

The Parke Society

Clearing - house for research on all Park/e/s immigrants from the British Isles.
Promoting Fellowship, Genealogical Research and the Preservation of our Heritage

Come to Our Forty-third Convocation in September by Curtis Parks, PS#1166

Each year we gather together to talk with others who are on a similar quest to learn about those who came before us—perhaps long before us—and left scant knowledge about their lives. We hear what has been added this past year to our Society's collection of information: who knows, perhaps something that solves an ancestral mystery? We may, perhaps, hear about new technology for doing our research and building a family knowledge base that we can share with all of our family members for years to come. At the same time we can experience visiting a place in our country that we may not have visited before. Wethersfield and Glastonbury in Connecticut are towns that are keeping their Colonial heritage alive. Their main streets as well as their collec-

tions of 17th and 18th century memorabilia are outstanding.

The Society's leadership is now making plans for our Convocation on September 21-24, 2006 in Wethersfield, Connecticut. If you plan to fly, the Hartford airport is close by. We have a block of rooms booked with the Best Western Camelot Hotel with a breakfast each morning. This hotel is newly renovated and is now a lovely place for us to stay (see p. 35 for details). We have planned a catered banquet for Saturday evening in the Hotel's nicely appointed large meeting room on the top floor. We will also have the use of this room for our research and other meetings during our Convocation. We have preliminary plans in place for several guided tours of historical societies and historic areas in Wethersfield and in Glastonbury on the other side of the river.

We will be there at just the right time of the year to see this very historic and lovely part of our country. This is also where Robert Parke (MA, 1630) lived for some years and helped establish Wethersfield "in the colonial wilderness." Check out the 17th-century map on p. 35 that shows the location of Robert's home.

In years past our Convocation focused on the

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From the Editor

by Paul Jordan-Smith, PS#1451

As we move towards bringing the Parke Society Newsletter up to date (our target is this coming November), we want to take a moment to encourage the membership please to submit articles for publication. We're sure that many of you have explored various bypaths in the genealogical forest: tell us what you've found!

There's always a question about what format articles should be in when submitting them for publication. Here I'd like to take a moment and clarify my preferences.

First, please submit articles electronically if at all possible: send them by email to the editorial address, **parkeditor@csedl.org**. The preferred electronic format is Microsoft Word, but WordPerfect will also be fine. If you don't use word processing software, but have email, then send the article in the email itself. If you don't have email or a computer, then please type the article and send it to the editorial "snail mail" address **13038 6th Ave NW, Seattle, WA, 98177**. Most typewritten pieces can be scanned and converted if the typewriter is clean and the pages free of strikeouts. If you only write by hand, please send your contributions to **Fr. Michael (Tad) Parks at P. O. Box 590, Milwaukee, WI, 53201-0590**.

Second, if you submit electronically, please, please run a spell-checking utility. That will not only catch typos, but also names that might need to be verified.

Third, please don't feel you have to limit your article in size: big is good. We can always edit to fit if it's too large; but we can't make it bigger if it's too small.

Fourth, if you have any visual material, please send it along! We *love* photos, maps, charts, scans of documents. If you send scans, including any of the above, please use a resolution of 72dpi. Also, please send scans one at a time to the editorial email address. This will actually make downloading faster.

Again, please write and make this **your** Newsletter!

The next editorial due date is:

April 1, 2006 (no foolin'!)

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THE PARKE SOCIETY (org. 1963) serves as a clearinghouse for research on all Park/e/s immigrants from the British Isles. Regular membership is open to any descendant. Associate membership is open to any interested person. Inquiries and requests for membership should be directed to the Registrar.

THE PARKE SOCIETY NEWSLETTER is published by the Society for its members three times per year. Copies sent to libraries and genealogically oriented societies on request. Articles on research, historical records, as well as news items and queries are always welcome, as are photographs, document scans, and other significant visual materials.

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Forth-third Annual Convocation

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sights and historical aspects of a chosen location of interest. Our previous three Convocations (two in Fort Wayne, Indiana and the last in Salt Lake City, Utah) have been held near libraries with large genealogy holdings. This year we will return to the enjoyment of the sights and history of a location special to us, as well as having access, while there, to our own in-depth research materials and books from our library on all the Park/e/s lines. We'll enjoy lunch in a colonial tavern, see some of the oldest buildings and graveyards in New England, and view the holdings of two historical societies. We can visit The Cove in the river where supplies came in to sustain the colony, and later grain and dry goods were shipped out to markets. We can shop in the oldest seed company in the country, and on Saturday morning watch as town folks set up scarecrows all along the main street of Old Town Wethersfield for next weeks' judging. We can cross the river over to historic Glastonbury on the oldest operating ferry in the U.S. This fall will indeed be the best time to visit this area.

Accommodations: If our Convocation seems



The location of Robert's home as shown in this piece of a 17th century map of Wethersfield

possible in your plans this year, please call the Best Western (888) 563-3930 and request your room in The Parke Society's block of rooms. (**Note:** You don't need to be a member to come!) Our guaranteed rate is \$79.95 per room per night; the manager has asked that we book as early as possible. In the next Parke Newsletter issue (and on our Web site) we'll include a reservation sheet supplying additional information with a form to make your reservation for the Society events. Also check the Society Web site where a photographic tour of Wethersfield and Glastonbury is now being planned.

Take a look at the pictures on the Hotel's Web site: Start at <http://www.bestwestern.com/>, enter Wethersfield, CT for location, then look for the hotel's Photo Gallery.

Fragment Index Update (Lineage Keys)

Jean Churchill #934

AP (#1406-Ken Parks DNA AD): Henry Parks (c1800 NC-c1838 Monroe Co?, TN) m. abt. 1823 to Elizabeth Thomas (c1805 NC-c1880 Roane Co, TN), daughter of Jonathan Thomas.

FP (#1452): Jonathan Parks (c1785-abt.1859) m. (1) Kiddy Webb 1806 Chowan, NC; m.(2) Riney Goodwin 1829; m.(3) Miram Jordan 1846 Gateo, NC.

XQ (#1415): John Parks/es (bef.1800 PA-bef.1850 Clinton Co, IL) m. Sarah (perhaps Herrin) (1803 NC-1850/1861 Clinton Co, IL). Sarah's father might have been John Herrin.

EV (#1010 and #1446): James Parks (c1728 VA-d.c1780 Montgomery Co, VA) perhaps of Thomas VA "C" lineage. Son, James (c1757 NC-1806 Grayson Co, VA) m.abt. 1780 NC to Hannah Martin (c1761-c1806).

We would like you to meet:

Ms. Karen Dortehea Hansen Christian, PS#1454, of El Cerrito, CA.

When she was four, Berkeley, California-born Karen and her parents, Kirby and Isabel Hansen, moved to a farm in Fresno County, in California's San Joaquin Valley. Karen is a descendant of Roger (01K1) Parke (NJ, 1682) through his son John (02K1) Park, thence to John, Moses, James, John Esten, and Lunsford Yandell to Ethel Sloan Park, who was written about in the Newsletter some years ago. Karen is a first cousin of our Editor, Paul Jordan-Smith. It was Karen's good fortune to have her grandmother Ethel Sloan Park come from New York to live with them on the farm for several years.

Educated at UC Berkeley and San Diego State College, Karen holds a degree in Social Sciences, as well as teaching credentials in Elementary and Secondary Education. She has two daughters now grown up, and four grandchildren. Over the years she has worked in teaching, real estate, lobbyist, executive director of a non-profit, and as a deputy city manager for the city of Fresno.

In 1999 Karen moved to the Bay area to be nearer her children and grandchildren. Currently, she is a member of the San Francisco Symphony Chorus and works on occasion as a temporary employee for the University of California, Berkeley. She travels as often as she can. She is preparing to pay a visit in a few weeks to one of her paternal cousins who lives in Southern France.

Mrs. Nancy Ann Wilbanks Sorensen, PS#1415 of Lincoln, NE.

Born in El Paso, TX, as an only child to Douglas and Helen Wilbanks, Nancy spent most of her early life in that area. She graduated from Texas Western College (now University of Texas at El Paso) with BA degree in Mathematics and Secondary Education. She went on to earn a Masters

of Education from the University of Texas, Austin, returning to El Paso to teach mathematics in the High school there for several years.

Soon after Nancy married Robert Carl Sorensen of Omaha, NE, the couple moved to Ames, Iowa to pursue graduate studies. She earned an MS degree in Mathematics from Iowa State University and for a while taught mathematics at that institution. They have two sons, now both grown and out on their own. The family eventually moved to Lincoln, NE, where she had been active with Christian Education curriculum in their church both at the local, regional and national levels.

Nancy has also done free lance writing and consulting in Christian Education around the Country. Later she returned to full time employment as Editor, and later as Curriculum Specialist, in the department of Independent Study, Division of Continuing Studies, University of Nebraska-Lincoln. Her duties included writing and editing all course materials for mathematics courses for distance education, from beginning high school courses, through calculus, including producing final copy with all graphics included.

Nancy worked in this capacity until June 1999, when she and her husband both retired from the University of Nebraska the same summer. Since that time they have traveled extensively, and Nancy has been very involved in researching both her and her husband's family genealogies. Nancy Sorensen is one of those members with a Fragment Lineage, Lineage Key "XQ" starting with a John Parks, born before 1800, in PA, and died before 1850 in Clinton Co., IL. He married a Sarah (unknown) born 1803 and died before 1857. The line from there is to John E.(02XQ2) Parks, who married Sarah Brewster, to Agnes Josephine (03XQ15) Parks who married William Henry Wilbanks. The family line migrated from Illinois to Texas in the late 19th or early 20th century.

Once more with feeling: Who, What, When, and Where by (Fr.) Michael (Tad) Parks+, PS#425H

This is a special note to members and nonmembers wishing to correspond with The Society.

Since this is a purely all volunteer organization, we need your help if we are to provide the best service possible to you all. Your help in directing correspondence to the proper person and place.

Please understand that there is no central office for The Society, that various officers, and therefore functions, are spread out all over the Country. Therefore, it is vitally important that requests, questions, and submissions you might send into us be sent to the correct place, in the first place. Sending communications to the wrong person, or the wrong place may, for whatever reason, never get to where it really belongs, or at best get it delayed somewhat.

So please read through this little guide, and follow the suggestions given. Email addresses, if not given here in are always found on the inside front page of the current Newsletter. And because individuals doing these functions do sometimes change, please only refer to the most recent Newsletter.

Addresses and Other Membership Listing

Changes: This one is vitally important. Any changes in your mailing address, name, phone number, email address, or any reports of deaths or other important family events, must go to the Executive Director. He is the only one who maintains that database, and all changes need to be entered in a timely matter so that you will get any mailings and other correspondence due you from The Society.

Newsletter: Comments about the Newsletter, including article submissions should be directed to our Editor, Dr. Paul Jordan-Smith, PS#1451, at the Parke Society Newsletter email address of parkenews@csedl.org.

Dues: Questions concerning dues payments can generally be forwarded to our Secretary, Mrs. Arlene Parks Callahan, PS#396, at the address found on the inside front page of the Newsletter. She does not have email. Please do not send these questions to the Treasurer, as she only has the totals handled, not the detail by member. And by the way, dues payments (other than new memberships) should always go to the Secretary, made payable to The Parke Society, Inc. New memberships are handled by the Registrar.

Genealogy Stuff: Genealogical materials should be sent only to the Historian and/or the Lineage Leader, if you have one. Sending them anywhere else, *e.g.*, to the President, will be a waste of your money because the President has no knowledge of Lineages other than his or her own.

Convocations: Questions concerning Convocations should generally go to the Vice President of the Society (and the Convocation Coordinator), Curtis H. Parks, PS#1166.

DNA Testing: Any DNA Questions can go directly to our DNA Group Administrator, Ken M. Parks, PS#1406.

The Library, Loans, and Missing Links: Questions relating to the Library, as well as to published **Missing Link** articles should be directed to Mrs. Jean Churchill, PS#934.

General Comments, Suggestions, and Criticisms about The Society should be directed to our President, Mr. Keith G. Harrison, PS#710.

Membership, Application, and Submission of Papers for Membership: Questions concerning Membership in The Parke Society, as well as requests for membership packets should be directed to the Registrar of The Society, Mr. R. Dan Park, PS#1422. He is the only one who has the membership packets, and who controls that whole process.

Email addresses for all these people are listed on the inside front page of this Newsletter (p. 34).

Dana Parks Jr. Memorial Circulating Library

by Jean Churchill #934, Librarian

Our library is available only to active Parke Society members. Its purpose is to provide genealogical and historical information to our membership. For a nominal fee, the library has numerous books to help you with your research. If you have a problem finding the book(s) you want by scanning the booklist available on our website, contact me and I will check for you. I am also willing to check the book for you to see if it will be helpful to your research, or if I can suggest another. However, I do need more information than just the given name of the Park/e/s individual.

The general loan fee is \$3 per book, unless otherwise noted, with a limit of four books at one time. Please use your Parke Society number on all correspondence. Make your check payable to "The Parke Society" and mail it to me at the address provided on p. 34. Return all materials to that address: a return address label and date due card are in with the borrowed material. We use the United States mail and the member is responsible for the cost of returning them by that service. Mark "Media Mail Service" on the package.

The loan period is 4-5 weeks after the member receives the books. If a member wishes to keep the materials longer than that, he needs to contact me. There is usually no extra charge for this but I do need to know where the books are.

The bound edition of *Parke Society Newsletters Vol. 33-37, 1996-2000*, with Index, is now available for loan. (Loan fee: \$5.)

The following excerpt comes from PS #1174 Lyle Sexton who found it while searching in the Tennessee State Archives and although it was not his Park/e/s family, he copied it and sent it to our Society Library. We appreciate his thinking of the Parke Society because this is a useful addi-

tion to our research library.

Ridens, Arahwana Hendren. *Dyer County and Newbern, TN Being a History of 39 of the Earliest Families of this County (Parks genealogy excerpt)* 000/RID (Loan fee: \$2.) LK= EW (PS#1279 has supplemental ancestry).

PS#553 and PS#1279 have ancestry relating to this lineage. Not all the material in our lineage binder is the same as Ms Ridens, whose sources are given as family records owned by Irving Hamilton Parks of Newbern, TN. Ethel Anderson Parks Family - Mrs. Edward Easton Lebo. Wyatt Family - Mrs. W. P. Alexander.

The *DAR Patriot Index* v. I, p.514 (pub. 1966) lists George Parks born about 1735 - died after 1810 m. Catherine Dunlap. He is listed as Sol meaning no details known and PS for Patriotic Service. The state named is North Carolina.

Dyer County was created in 1823 from the Western District. Its western border is the Mississippi River and it is surrounded by the following Tennessee counties: Obion, Gibson, Crockett, and Lauderdale. Newbern (pop. 2,988) is northeast of Dyersburg (pop. 17,452), the county seat. This excerpt does not say where or when George Parks died, however our Parke Society states that it was in Sumner Co, TN, about 1810. There is agreement that Hamilton Parks was born in Sumner Co, TN and died in Newbern, so evidently at least some of the family settled first in Sumner Co.

According to Ms Ridens, **George Parks**¹ came to America in 1750 from northern England. He settled in Virginia and served in the Revolutionary War. (PS states he was a Capt.) He married **Catherine Dunlap**, daughter of William Dunlap/Margaret Hunter. There were three children of this marriage:

William Parks² m. **Mary Calloway** of Wilkes Co, GA

Jane Parks² m. **John Zarecor** (one daughter,

Jane; PS indicates 4 children)

Jacob Parks² (1777-Oct.1841) m. **Ann Hamilton**, daughter of Thomas Hamilton, who owned the State Coach Tavern on the Harpeth River near Nashville, TN. Jacob and Ann Parks moved to Sumner Co, TN by 1809. They had five children:

William Parks³ (30 Dec.1800-29 Sep.1873) m. ?- (PS states **Nancy Fisher**) (1 daughter)

Hamilton Parks³ (1809 Sumner Co, TN-1888 Dyer Co, TN) m. **(1) Martha Beasley** (5 children); m. **(2) Rebecca Stuart** (4 children)

Robert Parks³ (21 Jan.1804-23 Jul.1877) m. **Gemima Dickey** [PS has Dichey] (PS states: 2 daughters)

Smith Parks³ (5 Mar.1815-2 Jan.1894) m. **Adaline Miller** (8 children; PS states 4)

Parina Parks³ (10 May 1812-31 Jan.1884) m. **Thomas Hamilton (first cousins)** (7 children-PS states 9).

This excerpt differs from the entry in our lineage binder. One major difference is that we have **Mary Parks daughter of George Parks**¹/**Catherine Dunlap married to John Burney** but Ms.Ridens does not have a fourth child in this family. She has **Nancy Ann Parks daughter of William Parks**³ (1800-1873) married to **John F. Burney**. This excerpt carries some of the descendants down through several generations and should be checked by Park/e/s researchers interested in this geographic area for possible additions or corrections.

Discrepancies between sources is not uncommon. Genealogy is not an exact science but is ever changing as new information comes to light. The careful researcher should have a primary source to complement any secondary information. If this is not possible, then it is wiser to use terminology such as “thought to be” or “this circumstantial evidence seems to show.”

Unfortunately, books published in the early

1900s are especially prone to errors. Commemorative books such as *Northeastern PA Commemorative Records and Biographical Portraits* by J. H. Beers and Co. (pub. 1900) are questionable because they rely heavily on the respondent’s memories. They provide information about the ancestry but should be considered a secondary source. A better source for that area is *The History of Wayne, Pike, and Monroe Counties, Pennsylvania* by Alfred Mathews pub. 1886. This book uses early Tax records, Church records, etc., as well as interviews with direct descendants. Using both of these volumes provides a clearer picture of the family.

A History of Queensbury, State of New York with Biographical Sketches by A.W. Holden, M.D. pub. 1874 states on page 424: “there was, in the British army, a captain by the name of Daniel Parks, who took an active part in quelling and keeping in subjection, the savage, original inhabitants of the American continent long before the Revolution, who lived and died in some one of the southern states, probably in Virginia, and who had a son by the name of Daniel Parks. The latter removed and settled in Salisbury, Conn. where he resided till within a few years of the Revolution, when he emigrated to Glen’s Falls, N.Y.” This is an error. Daniel Parke of Glen’s Falls, New York was a descendant of Robert Parke (MA 1630) - Robert¹ Thomas² Nathaniel³ Joseph⁴ Daniel⁵ Daniel⁶.

DAR Patriot Index Our library copy was published in 1966, which was the 75th anniversary of the NSDAR. While these books are a good resource, the researcher should be aware that applications accepted before 1980 may contain errors. What is very helpful is to send for the member’s actual lineage form from the NSDAR which provides birth, death, and marriage dates for several generations, and also the source material listed by the applicant.

Book Review

by Jean Churchill #934, Librarian

Piedmont Passages: I-VII (historical sketches of people & places in central North Carolina) by George Raynor, copyright by *The Salisbury Post*, 1990.

George Raynor grew up in the Long Island suburbs of New York City, then graduated from the University of North Carolina at Chapel Hill. Mr. Raynor spent many years in the newspaper business primarily with *The Salisbury Post* where he was managing editor (1944-1970) and editor (1974-1982).

These articles first appeared in *The Salisbury Post* from 1983 to 1990 as a result of an assignment taken on by Mr. Raynor and *Post* photographer, Jim Barringer. The newspaper thought it would be interesting to retrace the route followed by the Pennsylvania pioneers to the Yadkin. Their trip began just outside Philadelphia at New Goshenhoppen Reformed Church. This review highlights a few of his topics which appear in the seven pamphlets.

Scholars believe that about 30,000 German families entered Pennsylvania between 1726 and 1776 and as many or more Scotch-Irish migrated during that same time period. The Scotch-Irish tended to live on the edge of the frontier and often did not try to gain title to the land but simply "squatted" on it. (This lack of record is one reason it is so difficult to trace PA ancestry.) Many from both of these groups had similar reasons for their migration - their Protestant faith and poverty. The English Test Act in 1704 placed the Presbyterians in Ulster under many civil and religious restrictions. The Palatines of the Rhine River area of present Germany also suffered religious persecution but were welcomed by Penn's Colony.

However, by 1720, Pennsylvania was becoming crowded and many of the immigrants, some of whom had earned their sea passage by becoming

indentured servants, could not afford the high land prices in the settled areas. These Scotch-Irish, German and English settlers first moved westward into the back countries of Pennsylvania, Maryland and Virginia in order to improve their economic lot. Good land in Pennsylvania and Maryland soon became scarce and expensive, making the Shenandoah Valley and Carolina Piedmont areas attractive to the Scotch-Irish and German settlers. This land was fertile and also largely unoccupied. The settler's right to settle first in western Maryland and then further south in the Valleys and Carolinas was not challenged so long as they paid the English land owners for their land.

These early settlers had strong religious backgrounds but often it was the Church Laymen who struggled to keep their groups together keeping records in Salisbury before 1820. Actually, the country churches did much better at establishing permanent roots. The early Lutheran and Reformed settlers had a special problem due to their language. Pastors in Pennsylvania settlements showed no interest in moving south. About 1722 Christopher Rendleman and Christopher Lyerly paid their own way first to London to get permission for their quest, for a pastor, and then to Germany. They returned home with Rev. Adolph Nussmann and a school teacher Gottfried Arends.

Samuel McCorkle was the earliest Presbyterian minister west of the Yadkin River and strongly believed in an educated laity as well as an educated ministry. He taught at Salisbury Academy, organized and operated Zion-Parnassus Academy, and played a role in establishing the University of North Carolina. He believed that education was the key to true understanding. Rev. James Hall was another early Presbyterian minister. Rev. Robert Johnston Miller was born in Scotland in 1758 and reared in the Anglican Church of Scotland. But in the new nation he would follow "ecumenical" practices serving Methodist, Lutheran, and Episcopal Churches.

These men were exceptional in their ministry because of their devotion to education and to their new country. They encouraged the strong religious faith that has continued through later generations.

The description of the struggle between the Patriots and the Tories during the Revolutionary War is very vivid. The British somewhat overestimated the amount of help they would receive from North Carolina, although this state was one of the last two states (Rhode Island was the other) to ratify the Constitution, not doing so until 1789. All of the settlers, except the Quakers and Moravians, who were allowed to remain neutral because of their beliefs, were expected to take an oath of loyalty to the American cause. This was difficult for many of the Germans who had little interest in war, unlike the Scotch-Irish who had left their homeland because of ill treatment by the British.

The section on the Civil War focuses particularly on Salisbury's Confederate Prison Camp where more than 8,000 Yankee were held prisoner. Five hundred prisoners escaped before the camp was abandoned in February 1865, but more than 3,500 died.

On November 16, 1910 a stone monument honoring the hundreds of Union prisoners of war from Pennsylvania who lie in eighteen trenches in the National Cemetery was dedicated. Union veterans who had spent time in the Salisbury prison arrived by train and were welcomed by Confederate veterans. The theme of the speakers was that of remorse and reconciliation. Senator Overman united the group with these words, "Countrymen: The men of North Carolina love that flag (pointing to the Stars & Stripes) and when our glorious country needs defense they will follow it to glory or to the grave. But you must not be unsympathetic with us for hallowing that other flag that once waved over the Southern Confederacy. Gentlemen, our brave men followed it for four long years and saw it go down in an ocean of tears—forever. But we are all at

home now: one great, grand, undivided, indissoluble country, and we'll die fighting for it."

I recommend this series, even though there is no mention of the Park/e/s surname, because of its historical background which gives an excellent overview of the pioneer movement from the Pennsylvania area southward into western North Carolina. 929.7/RAY (loan fee-\$5.) Jean Churchill PS#934 Librarian

The Park/e/s DNA Surname Project in 2006

by Ken Parks PS #1406

Group Administrator-PARK/E/S DNA Surname Project

Before I begin focusing on specific lineage results in the coming issues, I would like to take this opportunity at the beginning of the year to recap where we stand and what I hope we can accomplish in the year ahead.

I am pleased that we have seen the number of participants grow during the last year, both within the membership of the PS, and among other Park/e/s researchers as well. With just over fifty test results currently in the database, we are beginning to see results lead us in useful directions in our traditional research, and this can only increase as the database grows. I would like to thank all those who have participated to date—without their cooperation and interest none of this would have been possible.

In the coming year I will be contacting many PS members directly, inviting them to participate in the DNA surname project. I hope those members will give serious consideration to our request, not only for how it may benefit their own personal family research, but also for how it will increase the Parke Society's knowledge base of all Park/e/s lineages. Of course, whether

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The Park/e/s Surname DNA Project

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you hear from me directly or not, please know that we welcome any and all PS members in the DNA project, so please don't feel that you're not welcome or needed simply because I haven't yet contacted you directly!

I also realize that not every PS member is a direct line male descendant, and thus cannot directly submit a DNA sample for testing. Never fear! As a PS member, there are several ways you can participate in the DNA surname project. Depending on your particular circumstances, please consider any that may be appropriate:

A. Submission of a DNA sample by any PS member who is a direct line male descendant bearing the Park/e/s surname. This is the most direct way to participate if you meet the qualification above. The results of the DNA test, combined with the member's lineage information, will be a valuable addition to the database. As stated in earlier articles, no member's name (or that of any living individual) is published on the DNA project's webpage. If you have a question as to whether your particular lineage is already adequately represented in the database, feel free to contact me before ordering a test kit.

B. Recruitment of a qualified DNA donor by a PS member who is not able to submit a DNA sample, or has already tested. Many PS members who do not bear the Park/e/s surname are in touch with male Park/e/s relatives who can submit a DNA sample. Recruiting and/or paying for a family member's test is an excellent way to ensure your lineage is included in the database.

C. Contributing to the General Fund. This is a feature of the DNA surname project which has been underutilized in the past. Family Tree DNA (FTDNA), our testing firm, has established this feature to enable anyone to easily contribute the cost of a test (or any portion thereof) to a fund which can then be used as the contributor directs. Contributions to the General Fund may be made

by check through the mail, or online using either a credit card or PayPal account.

When you make a contribution, you can then contact me directly, as group administrator, and let me know how you want your contribution used. For instance, you may be part of a small family group pooling your contributions to pay for the test of a family member. I will direct FTDNA to apply that amount to the proper test kit, either completely covering the test kit cost, or FTDNA can mail the kit along with an invoice, less the amount of the contributions.

Other options for contributing to the General Fund might include specifying that your donation be applied to tests within a certain lineage key (LK) as designated by the PS, for instance, "I would like my contribution to be applied to the test of a known descendant of Robert (MA 1630), LK=T."

Of course, there is always the option of a donation with no specifications, simply to be used at the discretion of the group administrator. Should we be fortunate enough to receive this type of generous donation, I would consult with our Executive Director and others in the PS as to the best use of these funds before allocating them.

There is a link on the left hand side of the Park/e/s DNA Surname Project webpage called "Contribute to the Surname Project General Fund", or you may go directly to the page at:

<http://www.familytreedna.com/contribution.html>

This page will take you through the entire process, but should you have any questions about the procedure, feel free to contact me anytime.

As you can see, there are several ways any PS member can participate in the Park/e/s DNA surname project, and I hope many of you will choose one or more of those methods in the coming year. I look forward to hearing from many of you during the year and to meeting many of you at the 2006 Convocation in Connecticut next September—make your plans now to attend!

Visit our DNA surname project webpage at (or use link found on PS Member's Index page):

<http://www.familyreedna.com/public/park%2De%2Ds/>

Contact: kenparks@earthlink.net

The following two articles by Gary B. Hoffman address copyright issues important to those of us engaged in genealogical research. The first deals with the issue of who, if anyone, owns the copyright on genealogical materials. The second, which starts on p. 45, deals with who owns what is uploaded to the Web.

Mr. Hoffman has kindly given The Parke Society Newsletter permission to reprint these articles. For more about the author, see the note appended to the second article (p. 47).

Who Owns Genealogy? Cousins and Copyright

by Gary B. Hoffman

The practice of genealogy—researching and publishing information about someone's ancestors—falls under the purview of **intellectual property** laws. Computers attached to CD-ROM readers and communications networks make it easy to compile information from disparate locations and then convey it to any point on the globe. Who owns a compiled genealogy? The one who compiled it? The one who possesses a copy? The one whose ancestors are the subject of the compilation? Anyone? No one?

This article does not purport to answer every question about copyright and related doctrines. Nor can it even plumb the depths of all the legal issues involved with the practice of genealogy. Rather, it should be taken as a launching pad

for further discussions in intellectual property. It should definitely not be construed as legal advice. First, I'll define several terms related to copyrights, and then, I'll talk about how copyrights relate to you and your genealogy work.

Copyright Basics

What is Copyright?

A copyright is an exclusive right to reproduce a "work of authorship," to prepare derivative works, to distribute copies of the work, to perform the work, and to publicly display the work. A work of authorship must be "original" and must be fixed in a "tangible medium of expression" in order to be protected. As subject matter, genealogy generally falls into the "literary works" category of works of authorship.

U.S. Law

In the U.S., copyright laws derive from the U.S. Constitution which gave Congress the power "to promote science ... by securing for limited times to authors ... the exclusive right to their ... writings." (Art. 1, sec. 8) Federal legislation preempts state laws on the subject of copyright. Copyright statutes are found in Title 17 of the United States Code, whose last major revision was called the Copyright Act of 1976.

Definitions

As used in the intellectual property context, "original" means both

1. originating with the author, not derived from another source, and
2. novel or new, not previously known or expressed.

In copyright law, the first definition is paramount; an author's work need not be different than another's, only that it is independently created by him or her. As Justice O'Connor has stated, "The *sine qua non* of copyright is originality.... Originality requires independent cre-

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ation and a modicum of creativity.” (Feist) The common explanation is that anyone can pen (and claim a copyright in) an exact copy of *Ode to a Grecian Urn* as long as they had never seen or heard Keats’ poem.

A “tangible medium of expression” can be any method of recording “now known or later developed, from which [the work] can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.” Spoken words are not tangible unless recorded. Ideas are never tangible and do not receive protection, but their expressions do.

When Copyright Arises

Under current U.S. copyright law, a copyright arises when a work is fixed in a tangible medium of expression. That is, it automatically comes into being when it is recorded in any fashion. The immediate owner of a copyright is the author, or authors in the case of joint authorship. Works created by employees of the U.S. Government and most state and local governments are not protected by copyright. Copyrights in “works made for hire,” that is, works created by employees as a part of their employment, are owned by the employer.

Transferring Copyrights

A copyright may be transferred to another, as is commonly done when authors assign their rights in a work to a publisher in order to get the work published. A major part of the publishing and movie business concerns itself with buying, selling, and tracking copyrights.

Ownership of Copyright

Ownership of the copyright is distinct from the ownership of any material object in which the work is embedded. Mere possession of a book, for example, or a CD-ROM, does not give the possessor absolute right to do anything they

please with the contents of the book or CD-ROM.

Public Domain

A work that is not copyrightable or whose copyright has expired or lapsed is considered “in the public domain.” There are no restrictions on what can be done with works in the public domain.

Term of Copyright

Newly created works are protected during the author’s lifetime and an additional fifty years thereafter. (Congress is considering a provision to add 20 years to this limit.) Works created before 1978 are governed by the law then in effect, generally for a total term of 75 years. In general, any work published before 1922 is now in the public domain.

Not Copyrightable

Certain expressions cannot receive copyright protection, either because they are not original (such as ideas, facts, events, news of the day, concepts, principles, Laws of Nature, or discoveries), or the domain of patent law (devices, procedures, processes, method of operation) or trademark law (names, titles, logos). If a concept can only be described in a limited number of ways, its expression is said to “merge” with the concept and is also not copyrightable. Also not copyrightable are blank forms, plain calendars, and lists or tables taken from public documents or other common sources.

Compilations

A compilation, that is, a collection of works, is itself a work that receives copyright protection whether or not the works it contains are copyrightable. The originality involved in compiling (selecting, arranging, explaining, etc.) the compilation qualifies it for its own copyright. Until 1991, compilers could assert a right in a compilation of public domain facts based on their considerable effort to compile them into a new work. But the Supreme Court threw out this

“sweat of the brow” theory in its decision “Feist Publications v. Rural Telephone Service,” (499 U.S. 340). Since then, database owners have been forced to use other techniques to protect their market, including license agreements and moral suasion.

Fair Use

“Fair use” allows non-infringing copying of a copyrighted work for such purposes as comment, criticism, news reporting, teaching, scholarship or research. In determining whether such use is fair, courts consider

1. whether the purpose is commercial or non-commercial,
2. the nature of the work,
3. the amount used in relation to the whole work, and
4. the effect of the use on the market or value of the work.

In general, copying a small amount of a work is considered fair unless it is the heart of the work.

You, Genealogy, and Copyright

The copyright laws affect both the research and the publication of your genealogy, either a narrative family history or a simple pedigree family line. First, though, consider that the basic facts about your ancestor’s life (such as name, birth date and place, marriage partner, date and place, and death date and place) do not receive copyright protection, no matter their source. Whether you went to the county courthouse, rented a microfilm of the relevant records, or found the data in a commercial CD-ROM, the basic facts of a person’s life may be freely copied; they are in the public domain.

But adding any kind of narration to these basic facts gives rise to a copyright in the creative portion of the work. The more narrative, the stronger the copyright. If you are the author, you should take care to mark your work to give

the proper notice. If it is a large or major work, consider registering it and depositing a copy in the Library of Congress.

On the other hand, if you find narrative material in a good family source, you should take care not to violate the rights of the author. Remember the idea of “Fair Use,” mentioned above, before using more than a sentence or two, seek out the author and get permission. Do not assume that just because you have a copy of a story, you can copy it again or incorporate it into your family’s history. If the author is dead, genealogists—of all researchers—are unable to use the excuse that they couldn’t locate the heirs to seek copyright clearance!

Simple pedigree charts are not copyrightable, despite their markings, even when filled in with facts. But add a “modicum of creativity” and you can claim copyright protection in a pedigree chart. The same goes for computerized pedigree data, either in disk form or in a GEDCOM file.

Computerized family trees submitted to a compilation such as Ancestral File, GENSOURCE, the World Family Tree Project, or a GenWeb site are subject to the same laws of copyright as are printed genealogies. By submitting your data to one of these compilations, you implicitly agree to allow your information to be published. But if you include someone else’s creative work along with yours, both you and the compiler may be liable for infringement. Genealogy.com warns contributors to its World Family Tree project about these issues in its WFT Instruction Guide, under “Your Rights as a Contributor to the World Family Tree.”

Copyright Formalities

Although basic copyright protection is automatic, additional steps are required by law to either avoid fines or to receive punitive damages in an infringement suit. None of these is any longer a condition for copyright protection.

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Marking

Marking a work with the word "Copyright," abbreviation "Copr.," or the symbol © (the "C" in circle) plus the date and the author's name is permitted by law to provide legal notice of a copyright claim. In an infringement action, an infringer cannot reduce damages by claiming "innocent infringement" if the work was clearly marked.

Registering

The copyright law permits registration of the copyright at any time during its duration. Registration is required before bringing an infringement action at law. Registration involves filling a brief form, paying a small fee, and sending two copies of the work to the Register of Copyrights. For more details about this, visit The United States Copyright Office.

Depositing

Depositing two copies "of the best edition" of a work with the Library of Congress within three months of publication is a mandatory requirement of the copyright law. The copies sent to the Register of Copyrights for registration purposes fulfill this requirement.

Genealogy is a literary work under today's copyright laws. And everyone involved in research and preparation of a genealogy should be aware of copyright, as they use others' work for source material and generate their own.

Do You Own What You Upload?

by Gary B. Hoffman

Modern genealogy programs make it easy to enter data about our ancestors and share that information with our relatives and others. In recent articles, I've discussed some of the techni-

cal aspects of sending genealogical information from one computer program to another. I've also discussed the legal aspects of genealogy research and the pitfalls of including information about living people or even erroneous information about deceased people that can reflect poorly upon the living.

In this article, I will bring several of these issues together to discuss the common sharing arrangement of "uploading" a genealogy file to an online service or CD-ROM publisher.

Why Do We Share Files?

There are many good reasons for sharing the results of our genealogical research: joy of sharing, desire for preservation, expectation of acknowledgment or reward. The most important reason is that sharing is a reciprocal act; we would not get very far in this pursuit unless others had shared their information with us. Besides, the facts underlying our pedigrees are not protected by copyright and are freely available if you know where to look.

Under U.S. law, the effort it takes to find basic facts does not give the fact-gatherer any proprietary rights to the data. We can't own these facts even though we've compiled them into a pedigree or other standard table. Of course, once you assemble these facts into a story, you are exercising "authorship" and can claim ownership of your narrative.

What Happens When You Share with a Publisher?

When we share our GEDCOM file or other program file with a large data publisher (meaning either an online service or a CD-ROM distributor), we are generally transmitting our lists of data. Just to make this point clear, before accepting our data, the publishers often notify us by means of a disclaimer statement that outlines their expectations about the data as well as their obligations. The legal standing of these "click-on

agreements” has not been settled, but they nevertheless serve as notice of certain issues involved.

Most of us will click on the “accept” button without reading or understanding the many paragraphs of legalistic prose. But I recommend you do read them and try to understand the consequences of submitting your data. As a service — not to consumers, but suppliers, of data — I offer the following questions that you should ask before you agree to upload your data.

1. Does my data contain information about living people?

As I’ve written before, there are privacy issues relating to even truthful information about living persons. But if there are untruths, especially those that cast a living person in a bad light, defamation may be added to invasion of privacy. Some services require you to certify that you have received permission from all living persons in your file to submit it to them. Others gloss over the problem. The best advice is to purge your file of information relating to living persons. Find a utility program that will delete or obscure information on living people before you send the data file to a large public database or publish it on the World Wide Web.

2. Will the release of my name and address subject me to commercial solicitation?

One of the purposes of sharing is to find others working on your lines. However, there are some unscrupulous individuals who will “mine” a database for the names and addresses of its contributors in order to send them a commercial solicitation. Of course, one man’s spam is another’s consumer information. But most database vendors prohibit this type of data mining. Less clear is whether the vendor’s own mailings are welcome communication.

3. Do I agree to respond to others who have inquiries about the ancestral data that I have submitted?

I’ve run in to many so-called genealogists who

gather their data from other researchers, then send it off to a database publisher, but will never respond when you send questions about their data. Maybe they don’t respond because they didn’t do the research themselves and can’t answer. Or maybe they got what they wanted and can’t be bothered to help anyone else. (Of course, they might be deceased themselves and can then be excused for not replying.) I contend that if you are not ready to stand behind your research data and really “own up to it” then you shouldn’t be the one to send it in. Let the real researcher submit it, who will help others with their research.

4. If I discover mistakes in my data, can I correct them later? Can I withdraw my submission at a later time?

Submissions to CD-ROM publishers will end up on a CD-ROM product and will be distributed far and wide. In such a case, it may be impossible to correct or withdraw the data. With some on-line databases who keep submitters’ data in individual files, you might be able to send updates, corrections, or even withdraw the file from distribution. Of course, anyone who has downloaded it may have the erroneous data. Those services that merge each contributor’s information into one large database are unlikely to offer any withdrawal, but they should offer a correction facility so that you can at least update the facts in your submission.

5. Will my source documentation be included in the database or only the basic identification of ancestors?

For mature researchers who have moved beyond the pedigree-gathering stage of genealogy research, the meat of the research is in the sources, not the names, dates, and places. Some people claim (including the proposed Genealogy Data Model) that the simple data of genealogy are merely “assertions” backed up by the source

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documents. If you don't include the documentation or you do submit it but it is not published, your pedigree is no better than a fairy tale, a nice story but not one that cannot be verified.

Check Over Your Agreements

Here are some links to the upload agreements of several large genealogy data publishers:

Family Tree Maker's World Family Tree:

<http://www.familytreemaker.com/subagree.html>

LDS Church's FamilySearch Internet (still in beta testing):

http://www.familysearch.com/policy/FSI_preserve.asp

GenServ Genealogical GEDCOM Server System

<http://www.genserv.com/gsgensdisc.htm>

About the Author

Gary Hoffman has been involved in genealogy research for over 30 years. He is former president of the Computer Genealogy Society of San Diego and is CGSSD's Webmaster. Currently a computer manager at the University of California's San Diego campus, he recently received a law degree and passed the California bar exam. His articles on technical and legal issues relating to genealogy have appeared in several online publications and newsletters and he is a regular speaker at national genealogy conferences.

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The next editorial due date is:

April 1, 2006 (no foolin'!)

WELCOME, NEW MEMBERS!

- 1455 William Harold Daniels**
San Bruno, CA
Most likely, a descendant from Robert (MA, 1630) through his son Thomas (2T1), thence Thomas, Thomas, Thomas, Josiah, Amos, Amos, to a newly uncovered child Silas Park (1818-1900)
Lineage Key "T", Chart "6"
- 1456 Rebecca Faye Chaney**
Meridian, MS
A descendant from Thomas of Virginia (VA, 1728) through John & Mary Sharp, John, Henry, to John, William C., Leonard, to Leah Parks who married Louanza Benjamin Chaney
Lineage Key "C"
- 1457 David Curtis Parke**
Gresham, OR
A descendant of Roger of New Jersey (NJ, 1682) through John, Andrew, John, John, Jesse, to John Robert Parke.
Lineage Key "K"
- 1458 Ronald Neal Parks**
Huntingdon, PA
A descendant in a new Fragment Line, from a David William Parks, who married Delilah Gipe, thence to William Wesley and Walter Charles. The father of David is believed to be John Parks who married Rebecca Gibbs, but as yet unproved.
Lineage Key "GP"
- 1459 Cheryl Lynn Acker**
West Jordan, UT
A descendant of Roger of New Jersey (NJ, 1682) through Roger, Joseph, Joseph, Micajah, Thomas Harris, Ira Curtis, to Mandania Parke (1860-1949)
Lineage Key "K"