

Building the Case

An Introduction to Evidence Analysis

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It has been almost 25 years since the Board for Certification of Genealogists debuted the *Genealogical Proof Standard*, with Helen Leary's article, "Evidence Revisited: DNA, POE, and GPS."¹ This introduction was followed almost immediately with Elizabeth Shown Mills' article, "Building a Case When No Record "Proves" a Point: The Genealogical Proof Standard," in which she demonstrated the GPS in action.² The Genealogical Proof Standard is a standard by which one can judge the validity of one's research methods and conclusions, not a methodology.

Over the past decades, the GPS has been tested and refined, with the third element seeing the most revisions. In its current iteration, that third element is, "Thorough analysis and correlation."³ An earlier iteration of this element adds a little more detail. "Tests—through processes of analysis and correlation—of all sources, information items, and evidence."⁴ This extra detail, more method than standard, is now defined in Mills' "Evidence Analysis Process Map."⁵ Understanding what is meant by sources, information and evidence is essential when building a solid case in support of a genealogical conclusion. Those definitions, with examples, are provided in this handout. Each genealogy problem is unique, so the process of correlating evidence is best presented through examples. The presentation includes two small case studies that illustrate the analysis of source, information, and evidence elements, and then correlate that evidence, building a case.

Sources

Begin with the analysis of the source – something tangible that contains information, such as a book, a deed, a tombstone, a photograph, or even an artifact. A source may be one unique record, or it might be a body of similar records created by one person or agency.

- Is it an *original record*? An original record is the account of an event that is not based on a prior record. The original record may contain incorrect information, but it is less likely to contain copy errors. An image copy of an original record can be treated as the original record only if it shows no signs of alteration. Note, however, that an image copy may contain less information than the original, since it may be unable to convey all the contextual information found in the original, such as erasures or different ink colors.
- Is it a *derivative record*? The transcription, abstract, index, or translation of an original record is a derivation of that record. It may be less accurate than the original, since errors in reading, interpreting, and recording might have been introduced.
- Is it an *authored work*? An authored work does not simply list information. It is a synthesis of

¹ Helen F. M. Leary, "Evidence Revisited: DNA, POE, and GPS," *OnBoard* 4 (January 1998): 1-2.

² Elizabeth Shown Mills, "Building a Case When No Record "Proves" a Point: The Genealogical Proof Standard," *Ancestry* 16 (March-April 1998): 26-31.

³ "Genealogical Proof Standard (GPS)," *Board for Certification of Genealogists* (<https://bcgcertification.org/ethics-standards/> : accessed March 2022).

⁴ "The Genealogical Proof Standard," *Board for Certification of Genealogists*; webpage archived at *Wayback Machine* (<https://web.archive.org/web/20151021053505/https://bcgcertification.org/resources/standard.html> : accessed March 2022). This iteration appears in captures between 21 October 2015 and 15 September 2017. The current iteration first appears in a *Wayback Machine* capture dated 27 April 2018.

⁵ Elizabeth Shown Mills, *Evidence Explained: Citing History Sources from Artifacts to Cyberspace* (. Baltimore, Md.: Genealogical Publishing Company, 2015), 3rd ed. (for Kindle), inside front cover.

information, interpretations, inferences, and conclusions, and it is colored by the author's level of expertise – and by the author's bias. It may add valuable insight to your research, but it may also lead you in the wrong direction.

- There is more to source analysis than simply recording the information it contains.
 - Document the legibility of the record. Are pages torn or is the handwriting difficult to read? Is the tombstone worn and broken?
 - Who or what created the source, and for what purpose was it created? What laws were in effect when the source was created?
 - How are the records within the source organized? Are there related sources that should be studied?
 - Are there gaps in the records? What are they, and why do they exist?
- **Cite the source!** This is the second element in the GPS. Your source citations should be *complete* and *accurate*. Elizabeth Shown Mills' *Evidence Explained* is the genealogist's gold standard.

Information

Sources contain records and records contain information. That information must be accurately reported and analyzed.

- Is the information *primary*? Identifying the informant is important when determining the reliability of information. Did the person reporting the information have first-hand knowledge of the event? Was the information recorded shortly after the event occurred, or was it recorded from memory many years later? Primary information is not synonymous with accurate information. Could the informant be biased? Was there a reason the informant might have shaded the truth? Note that primary information is not restricted to original sources. If it was primary information in the original record, it is primary information in all that record's derivative forms.
- Is the information *secondary*, i.e., is it based on hearsay?
- Is the quality of the information *indeterminable*? In other words, is it impossible to determine the original author of the information? The information in a record may be completely accurate, but its reliability is difficult to determine if its creator is unknown. Even if the informant is known, it may be difficult to determine his or her expertise or bias.
- A single source may contain a mixture of primary, secondary, and indeterminable information.

“All statements must be based only on accurately reported, carefully documented, and exhaustively analyzed records.”⁶ Robert Charles Anderson's “First Fundamental Rule” adds a process to the analysis of sources and information.
- Information in records must be accurately reported, and accurate reporting requires understanding.
 - Transcribe complicated records.
 - Determine the historical meaning of words and phrases and the legal implications of all documents

Evidence

Evidence does not exist in the absence of a question. It is a construct designed by the researcher to answer a specific question, and as the questions changes, so does our evidence. If our evidence is not

⁶ Robert Charles Anderson, *Elements of Genealogical Analysis* (Boston: New England Historic Genealogical Society, 2014), xii.

based on quality sources containing reliable information, we cannot build a solid case. Our conclusion will not stand.

- Evidence may be *direct*. It answers the research question without the need for any other information. Direct evidence compiled from the primary information found in an original record is no guarantee of truth. Even this evidence must be correlated with related evidence compiled from *independently created* sources. Is there good correlation, or are there conflicts or questions? These must be resolved, or any conclusion reached may be invalid.
- Evidence may be *indirect*. On its own, it does not answer the research question, but when combined with evidence from other independently created sources, a valid conclusion may be reached.
- Evidence may be *negative*. Evidence that should exist if a conclusion is valid, but doesn't, is *negative evidence*. For example, the research hypothesis states that Person A served in a given company in the Civil War. His name is not found on any original muster roll or pay roll for that company, however, and there appear to be no gaps in those records. This constitutes *negative evidence* and suggests that the hypothesis is invalid. Negative evidence is not synonymous with *negative findings*. The latter term is used to refer to sources that could not be located.
- A conclusion may be based on a mixture of direct, indirect, and negative evidence.
- With few exceptions, no valid conclusion can be reached on the basis of one record, even an original record containing primary information that provides direct evidence on the problem. It usually takes at least two *independently created* records to uniquely identify an individual and begin the process of genealogically defining that individual.

“You must have a sound, explicit reason for saying that any two individual records refer to the same person.”⁷ Anderson’s “Second Fundamental Rule” cautions researchers that no matter how good the sources or reliable the informants, a sound conclusion cannot be reached if the compiled evidence refers to different individuals.

- The “name’s the same” is not enough to say that two records refer to the same person. The failure to follow this precept is the number one reason for so many erroneous online family trees.
- The more common the name, the greater the degree of correlation – in date, location, status, or other descriptors – required to state with confidence that two records refer to the same person.
- Once it is determined that two or more records refer to the same person – or refer to two different people – that conclusion must be stated and the rationale must be written. If there are any discrepancies, those discrepancies must be explained. Don’t forget the possibility that a determination might not be possible with the evidence at hand. “I don’t know – yet,” is okay.

Conclusions

All conclusions are open to new evidence; therefore, no conclusion is ever proven in genealogy. Some are more certain than others, though. Stating that two records “possibly” refer to the same individual suggests that more research might be a good idea.

- Test your conclusion. How plausible is it? How easy is it to picture an alternate conclusion?

Methodology must be practiced!

Understanding and employing a sound methodology requires practice, not simply reading a textbook or attending a lecture. Begin your practice by deconstructing the evidence presented in any *National Genealogical Society Quarterly* article. Pick one that discusses a problem from an area in which you

⁷ Anderson, *Elements of Genealogical Analysis*, xii; for an introduction to Anderson’s concept of “genealogically defined,” see p. 58.

have some interest and knowledge. Begin with the author's conclusion and reverse the author's logic, step by step, from conclusion to each piece of evidence. What is the mix of direct, indirect and negative evidence? Examine each bit of information used to compile the evidence. What is the overall quality of that information? Examine each source from which that information was taken. How much does the author rely on derivative records or authored works? If you were building the case or performing the linkage analysis, would you have come to the same conclusion?

It All Starts with a Question

The fundamental goal for most genealogists is genealogically defining an individual or individuals. We strive to compile evidence and reach a conclusion as to how an individual is connected to his or her parents, spouse, and children. The specific questions involved in achieving this goal are usually questions of *identity*, *relationship*, or *circumstance*. What questions are your ancestors asking you?

Annotated Bibliography (all websites accessed March 2022)

Anderson, Robert Charles. *Elements of Genealogical Evidence*. Boston: New England Historic Genealogical Society, 2014. This book emphasizes a methodology.

Board for Certification of Genealogists. <https://bcgcertification.org/> : 2007-2022. See "Work Samples" for excellent case studies and proof arguments.

Johnson, Melissa A.; Goodwin, Aaron. *NGS Monthly: Methodology, News, and Views*. <https://www.ngsgenealogy.org/monthly/> : 2015-2022. This online journal examines the methodology in specific *NGSQ* articles. Full access is available to National Genealogical Society members only.

Jones, Thomas W. *Mastering Genealogical Proof*. Arlington, Va.: National Genealogical Society, 2013. This is an in-depth examination of the Genealogical Proof Standard in workbook format.

Mills, Elizabeth Shown. *Evidence Explained: Citing History Sources from Artifacts to Cyberspace*. 3rd edition. Baltimore, Md.: Genealogical Publishing Company, 2015. Chapter 1, "Fundamentals of Evidence Analysis," 13-38.

———. *Evidence Explained: Historical Analysis, Citation & Source Usage*. <https://www.evidenceexplained.com/> : 2011-2022. Ongoing discussions of specific questions in evidence analysis.

National Genealogical Society Quarterly. Every issue of this journal contains articles worth studying as examples of the process of analysis, correlation, and evidence compilation. Also study articles in the *New England Historical and Genealogical Register*, the *New York Genealogical and Biographical Record*, and *The American Genealogist*.

Proof Argument: Example

Although no record has been found that explicitly identifies Catharine Ward (1807-1888), wife of Benjamin Rollins, as the daughter of Samuel and Tamson (Hall) Ward of Goshen Gore, Vermont, all evidence supports that conclusion.

1. Her death notice in the *Saint Johnsbury Caledonian* identifies Catharine as the wife of Benjamin Rollins and the sister of the late Osborn Ward of St. Johnsbury. Osborn's earlier obituary names two brothers, Samuel H. Ward of Danville and Thomas Ward of St. Johnsbury. These two notices link Catharine Ward to three members of her birth family. Assuming they are full siblings, if the parents of one could be identified, the parents of all would be known.⁸
2. Samuel H. Ward was married four times, and the fourth marriage record names his parents as Samuel and Tamson (Hall) Ward. His death record (no informant) names parents Samuel and Tamson Ward. Osborn Ward's death record names his parents as Samuel and *Fanny* (Hall) Ward.⁹

⁸ *St. Johnsbury (Vt.) Caledonian*, 2 August 1888, p. 1, col. 8, Catherine (Ward) Rollins death notice; *ibid.*, 13 October 1887, p. 1, col. 4, "Recent Deaths" [Osborn Ward].

⁹ Danville, Vermont, Registration of births, marriages, and deaths, "Marriages," vols. 7 & 8 (1883-1905): 1, Samuel H. Ward-Lovina Shurtleff (1883); digital images, "Vermont, Town Clerk, Vital and Town Records, 1732-2005," *FamilySearch*

3. The Samuel Ward estate file, (Tamson Ward, widow), names the following as heirs or interested parties: John, Elvira, and Beniah Ward, minors over fourteen and children of Samuel Ward; Thomas and Daniel Ward, minor sons of Samuel Ward; Samuel H. Ward, **Katharine Rollins** (emphasis added), Mary Ward, Hannah Kittredge, Abigail Ward, and Osborn Ward, persons interested in the Samuel Ward estate (all of whom sign). Although the “interested persons” are not identified as heirs to this estate, a petition to sell land, approved 12 July 1837 in Probate Court, states, “The interest of each heir being one undivided Eleventh part,” a number that corresponds to the eleven names documented in the file.¹⁰
4. Samuel Ward’s home farm was sold to Samuel H. Ward by guardian deed and quitclaim dated 5 September 1837. The quitclaim identifies Catharine Rollins as the wife of Benjamin Rollins of Danville. Although these documents do not explicitly state she is the daughter of Samuel Ward, this completed chain of evidence does identify her as one of the eleven heirs of Samuel Ward, whose widow was Tamson.¹¹
5. There are two other men in Caledonia County, Vermont, of an age to have fathered a daughter born there in 1807: Samuel’s brothers Thaddeus and Josiah Ward. The following evidence shows they could not have fathered Catharine (Ward) Rollins. The Thaddeus Ward census households in 1810 and 1830 do contain a female of an age similar to Catharine’s, but his will of 21 January 1843 does not list a daughter by that name.¹² Josiah Ward is listed as head of household in 1820 and 1830, and no female of an age similar to Catharine’s is included, nor does his 22 July 1859 will include a daughter by that name.¹³

The identity of Catharine (Ward) Rollins’ parents was determined based on a mixture of indirect and negative evidence. Simply citing the records used to reach this conclusion does not tell the story. Conclusions based on indirect evidence, negative evidence, or those that required the resolution of conflicting information are best explained with a *proof argument*.

(ark:/61903/3:1:3QS7-L999-BDNM). St. Johnsbury, Vermont, Deaths, vol. 4 (1897-1903): 23, no. 5, Samuel H. Ward (1902); digital images, *FamilySearch* (ark:/61903/3:1:3QS7-8999-B3K6). Ibid., Births, deaths, vol. 7 (1882-1896): 133, no. 91, Osborne Ward (1887); digital images, *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3QS7-8999-B3R8>).

¹⁰ Caledonia Probate District Records, Samuel Ward estate (1835), choice of Samuel B. Randall as guardian, 9 March 1837; Tamson Ward, guardian bond, 12 July 1837; order of notice and receipt of service, 10 March 1837; petition to sell land, 12 July 1837.

¹¹ Benjamin Rollins et al. to Samuel H. Ward, quitclaim, 5 September 1837, Caledonia Co., Vt., Land records, 1821-1896, Book 5: 48; digital images, *FamilySearch* (<https://www.familysearch.org/search/catalog/140973>); imaged from FHL microfilm 28244, image 312.

¹² 1810 U.S. census, Caledonia County, Vermont, Danville, p. 339 (written), p. 150 (stamped), line 2, Thaddeus Ward household; NARA microfilm publication M252, roll 64; 1830 U.S. census, Caledonia County, Vermont, Danville, p. 312 (penned), line 26, Thaddeus Ward household; NARA microfilm publication M19, roll 187; Caledonia Probate District Records, Thaddeus Ward estate file (1863), Probate Court, District of Caledonia, St. Johnsbury, Vermont.

¹³ 1820 U.S. census, Caledonia Co., Vt., Danville, p. 31, line 19, Josiah Ward household; 1830 U.S. census, Caledonia Co., Vt., Danville, p. 312, line 19, Josiah Ward household; Caledonia Probate District Records, 26: 144-151, Josiah Ward estate file (1859); Vermont State Archives and Records Administration, microfilm F-7105.