Using Indirect and Negative Evidence to Prove Unrecorded Events

JOY REISINGER MEMORIAL LECTURE SERIES

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Information hidden below the surface or totally absent helps researchers reconstruct events, identities, and relationships which no record specifies.

Terminology*

evidence:	Information, or its lack, suggesting a research question's answer, which can be right or wrong, complete or incomplete, or vague or specific; can be *direct*, *indirect*, or *negative;* after passing tests it can be assembled into a *conclusion*
direct evidence:	Information items stating tentative answers to research questions; the opposite of *indirect evidence* and one of three categories of genealogical *evidence*
indirect evidence:	Information items that do not directly address a research question, but when combined suggest answers to that question; the opposite of *direct evidence* and one of three categories of genealogical *evidence*
negative evidence:	Evidence arising from an absence of specific information in extant records where that information could be expected and where that absence suggests an answer to a research question; one of three categories of genealogical *evidence*; compare with *negative search*
negative search:	A search that yields no useful evidence; compare with *negative evidence*
evidence assemblage:	A textual or graphic grouping of genealogical evidence items giving a tentative answer to a genealogical research question

Evidence assemblages can contain any combination of genealogical evidence categories. Assemblages help you recreate pictures of the past.

*The first five definitions are adapted from Thomas W. Jones, "Glossary," in *Mastering Genealogical Proof* (Arlington, Va.: National Genealogical Society, 2013). For similar definitions, see "Glossary," in Board for Certification of Genealogists, *Genealogy Standards* (Nashville, Tenn.: Ancestry.com, 2014). For "evidence assemblage," see Thomas W. Jones, "Reasoning from Evidence," in In Elizabeth Shown Mills, ed, *Professional Genealogy: Preparation, Practice, and Standards* (Baltimore, Md.: Genealogical Publishing, 2018), 281–87.

General evidence principles

1. Genealogical *information* is tangible, but the *evidence* you glean from information is mental:
   - The category of evidence can change as you think about the underlying information or use the information to help establish different conclusions. Depending on how you use an information item, all three kinds of genealogical evidence can arise from it.
   - Prematurely or definitively categorizing evidence as direct, indirect, or negative, or as either conclusive or wrong, can misdirect your research, bias your results, or both.
   - When you resolve conflicting evidence and detect and discard erroneous evidence, the discards become no evidence at all.
   - Information that you collect becomes evidence only when you think it might help you answer a genealogical research question. Not all information items you collect, including DNA test results and negative findings, become evidence.
2. Genealogical evidence reflects identities, relationships, statuses, events, and other data that you cannot observe. You see information in the present, but its evidence can help you see into the past. Thoughtful use of evidence helps you understand people, relationships, statuses, and events you cannot see.
3. Genealogical conclusions and proof result only from assembled evidence. In other words, uncorroborated evidence, even if from a reliable source and informant, *never* is sufficient for a conclusion.
4. An evidence assemblage can contain any combination of evidence categories:
   - Indirect and negative evidence can work in combination with direct evidence to establish a conclusion and make a case for proof.
   * Indirect and negative evidence can establish a conclusion and make a case for proof when no direct evidence can be found. (See examples.)
   - Evidence assemblages containing no direct evidence can provide cases at least as convincing as cases based on evidence assemblages containing direct evidence.
5. All kinds of evidence items—not just indirect evidence—require other evidence items to conclusively answer a research question.
6. Detecting indirect and negative evidence requires acute powers of observation while studying the sources you find.
7. Reasoning from the evidence you detect requires higher-order thinking skills, like analysis, synthesis, and deductive and inductive reasoning.

Genealogical evidence labeling is much more than an academic exercise, and labeling, alone, does not help you determine whether information is right or wrong.

You create evidence when you think about how information from your sources might help answer your genealogical research questions. Your thinking includes "trying on" evidence labels to see what the information might tell you about people and things you cannot observe.

"Evidence can be messy. Because it is a mental construct, it rarely gives us the clear and simple answers that we seek. Sources, by contrast, are physical; we can touch them, see them, smell them, hear them. Information is also physical, visible, audible. Evidence, however, is intangible. It's only what we *think* certain information means. That's all it can be—until we make something concrete from it by processing it and molding it into a meaningful and convincing form." —Elizabeth Shown Mills, in "QuickLesson 13: Classes of Evidence—Direct, Indirect & Negative," *Evidence Explained: Historical Analysis, Citation & Source Usage* (https://www.evidenceexplained.com/content/quicklesson-13-classes-evidence—direct-indirect-negative : 30 January 2018).

Indirect-evidence example

Thorough research into the lives of sisters Zerviah and Lydia Burton yields no source naming their mother. Despite such a record's absence, a short assemblage of indirect evidence answers the research question about the sisters' mother:

SOURCE	INFORMATION	EVIDENCE
Norwich, Vt., records 1:264.	Births of Josiah Burton's daughters: Zerviah on 7 September 1767 and Lydia on 14 August 1769	The record does not mention the mother, so does not directly address the research question.
Preston, Conn., Land Records 9:115. Also, District of Norwich, Conn., Probate Record 3:138–40.	On 13 June 1769, Josiah and Mary Burton of Norwich, Cumberland Co., N.Y. (later Vt.) sold land in Preston, Conn., that she had inherited from her father, Samuel Leonard	The records do not mention either child, so they do not directly address the research question.
North Church (Preston, Conn.), records 1:261.	10 April 1765, Josiah Burton married Mary Leonard	The record neither says that this Josiah moved to Vt. nor mentions his children, so does it not directly address the research question.

Commentary: Besides identifying the sisters' mother, Mary (Leonard) Burton, the indirect-evidence assemblage shows she lived in Cumberland County, New York (later Vermont), even though no record in that place mentions her.

Negative-evidence example

Prior assemblages, not shown here, combine indirect and negative evidence to establish James Greenfield's birth about 1720, migration with his adult children from Connecticut to colonial New York in the 1770s, and settlement in Saratoga County. No reliable source says when and where James died. Despite such records' absence, this assemblage, combining indirect and negative evidence, answers questions about James's death:

SOURCE	INFORMATION	EVIDENCE
Second Baptist Church ("New, Galloway, Balston District [*sic*],"N.Y.), records 1:1–86.	James helped found the church in 1789 and appears in its records nearly weekly through 14 February 1801.	The information, not mentioning James's death, does not directly address the research question about his death.
Second Baptist Church ("New, Galloway, Balston District [*sic*],"N.Y.), records 1:86–139.	James does not appear in the church records after 14 February 1801.	The records' absence of information about James negatively suggests he died in Galway after mid-February 1801.
Assessment Roll . . . in the Town of Fairfield, Herkimer Co., 1799–1801, imaged on *Ancestry*.	James's son was taxed in Herkimer Co. in 1799–1804, as "James Greenfield 2^{d}" in 1800, "James Greenfield jun" in 1801, and with no agnomen thereafter.	The information implies a senior James, who could be only James in Galway, but it neither mentions him nor addresses his death, making the evidence indirect.
Albany Co., Cayuga Co., Herkimer Co., Oneida Co., Rensselaer, Co., and Saratoga Co., N.Y., probate indexes	From each county's origin through 1825, James Greenfield left no probate record in the New York counties where he and his children lived.	The records' absence of information negatively supports the conclusion that James died in Saratoga County in 1801.

Not negative evidence: *(a)* absence of a source, *(b)* a negative search that yields no evidence, and *(c)* information directly or indirectly supporting a nonrelationship

(commentary on next page)

Negative-evidence example *(continuing)*

Commentary: Rarely do evidence assemblages contain only negative evidence. The assemblage supporting a conclusion about when James Greenfield died, with two instances of negative evidence and two instances of indirect evidence, is typical. The assemblage supports concluding that the elder James Greenfield died in the Town of Galway, Saratoga County, New York, in 1801.

Resource material and further learning

Board for Certification of Genealogists. *Genealogy Standards*. Nashville, Tenn.: Ancestry.com, 2014. [Available as a paperback or Kindle e-book containing standards for documenting, researching, reasoning from evidence, writing, teaching, and continuing education.]

Jones, Thomas W. *Mastering Genealogical Proof*. Arlington, Va.: National Genealogical Society, 2013. [A textbook in paperback and Kindle e-book formats with exercises and answers; covers genealogical research planning and execution, documentation, analysis and correlation, resolving conflicting evidence, and writing proof statements, summaries, and arguments]. See especially chapter 5, "GPS Element 3: Analysis and Correlation."

———. "Reasoning from Evidence." In Elizabeth Shown Mills, ed. *Professional Genealogy: Preparation, Practice, and Standards*. Baltimore, Md.: Genealogical Publishing Co. 2018.

Mills, Elizabeth Shown. "Fundamentals of Evidence Analysis." Chapter 1 in *Evidence Explained: Citing History Sources from Artifacts to Cyberspace*, 3rd edition, revised. Baltimore: Genealogical Publishing Company, 2017.

———. "QuickLesson 17: The Evidence Analysis Process Map." *Evidence Explained: Historical Analysis, Citation & Source Usage.* https://www.evidenceexplained.com/content/quicklesson-17-evidence-analysis-process-map : 2018.

———. "QuickLesson 13: Classes of Evidence—Direct, Indirect & Negative." *Evidence Explained: Historical Analysis, Citation & Source Usage.* https://www.evidenceexplained.com/content/quicklesson-13-classes-evidence—direct-indirect-negative : 2018.

Case-study examples

Jones, Thomas W. "In the County of Cumberland and the Province of New York": Clarifying Josiah Burton's Identity, Relationships, and Activities. *The New York Genealogical and Biographical Record* 147 (April 2016): 85–101.

———. "Logic Reveals the Parents of Philip Pritchett of Virginia and Kentucky." *National Genealogical Society Quarterly* 97 (March 2009): 29–38.

———. "Too Few Sources to Solve a Family Mystery? Some Greenfields in Central and Western New York." *National Genealogical Society Quarterly* 103 (June 2015): 85–103.

———. "Two James Greenfields from New England to New York." *The New York Genealogical and Biographical Record* 147 (October 2016): 245–63.