

Negative Evidence: Making Something Out of Nothing

A Legacy Family Tree Webinar Sponsored by the Board for Certification of Genealogists

21 June 2022

Presented by Denise E. Cross, CG®

crossd4@gmail.com

Objective

Learn what negative evidence is—and is not—through defining the concepts and applying them to series of examples to demonstrate methodologies used to create something out of nothing.

Introduction

When is not finding a record nothing, and when does it signify something? Information that is not where you expect it to be may yield important evidence for your research question.

Understanding the purpose of a source—who and what it records, and why—will help you determine if the missing person or event is negative evidence or merely a negative search.

Evidence

Standard 50: "credible conclusions may rest on direct, indirect, or negative evidence in any combination."¹

Evidence only exists in our minds as an answer to a research question. Multiple pieces of evidence that answer a research question must be assembled into a fully source-cited and written proof summary or argument to reach a conclusion. Negative evidence can contribute to building a case, but a single piece of negative evidence cannot be relied on alone.

Direct Evidence: will provide the answer to the research question. That answer may or may not be correct. If we are asking the question “when was Mary Smith, daughter of John and Ann Smith of New York, born?” and we find a birth certificate with the date of birth, we have direct evidence that answers the question. Even though the question is answered directly, supporting the answer with other independently created sources will give us confidence that the answer is correct.

Indirect Evidence: does not answer the question directly. It gives us a clue to or a part of the answer. It must be correlated with other evidence to reach a conclusion. The research question “who were the parents of Mary Smith, born in New York in 1848?” will require assembling a few records to answer. If the person was born before birth and death records were created, we may need to rely on implied parents in a pre-1880 U.S. census. The addition of the death record for a younger sibling, who

¹ Board for Certification of Genealogists, *Genealogy Standards*, 2nd ed., rev. (Nashville, Tennessee: Ancestry.com, 2021), 29.

appeared in the 1860 census household with Mary, naming the sibling's parents can provide indirect evidence for Mary's parents. An assemblage of indirect evidence is needed to answer the research question

Negative Evidence: is a type of indirect evidence. It does not by itself answer the research question. Negative evidence, like indirect evidence, requires other evidence to develop it as negative evidence. Negative evidence cannot stand on its own. We need additional evidence to reach a sound conclusion. If our research question is "When did Mary Smith, born 1848, daughter of John and Ann Smith, get married? If we turn to the 1870 census to examine the Smith household and see that Mary is not in it, can we conclude that she married before 1870? Perhaps. But it could also be negative evidence of her death. Or she was simply living in another household as a domestic servant.

Each of those possibilities will generate new questions for research to prove or disprove the hypothesis. When expected information is absent, we need to assemble evidence from other sources of information that supply direct, indirect, or negative evidence to answer the new questions. We cannot know what negative evidence signifies on its own without reasonably exhaustive research.

Negative evidence is an "inference we can draw from the absence of information that should exist under particular circumstances."²

Most records typically used by genealogists can hold negative evidence.

Some examples with possible meanings:

- A child is not listed in a town family record of births
 - The child was not born in that town
- A child represented by a tick mark in a pre-1850 census in the age range is lacking
 - The child was not in that household/family
- A person is not found in a location at the right time to be the parent of a research subject
 - The person cannot be the parent
- A person or family is missing from an expected location in the census
 - The person or family moved or died
- A wife's acknowledgement of dower is not recorded with her husband's land sale
 - The wife died before the land transaction
- A man no longer appears on the tax rolls (or begins to appear)
 - The man sold land, moved, died, or attained an age no longer taxed (bought land or reached the age of majority)
- A person is consistently in a city directory year after year, then vanishes
 - The person moved or died
- A person is not named in a will
 - The person is not a legal heir

² Elizabeth Shown Mills, *Evidence Explained*, 3rd ed. (Baltimore, Maryland: Genealogical Publishing Company, 2015), 25.

- And, finally, the validity of authored works, those compiled genealogies or locality histories that lack source citations and need to be verified, can be challenged with negative evidence

A checklist for developing negative evidence:

- ✓ Understand the record set:
 - Why was it created?
 - By whom?
 - Is it an original record from close to the time of the event? Or, recorded later?
 - Is it a derivative that may contain copy errors or omissions?
 - Is it an index?
- ✓ What was the law at the time of the event?
- ✓ What were the social customs in that time and place?
- ✓ What were the jurisdictional boundaries?
- ✓ Know your research subject well enough to be able to identify him or her uniquely:
 - Age
 - Location
 - Occupation
 - Religion
 - Family, Associates, and Neighbors
- ✓ If the subject of your research is not found as expected in a record:
 - Determine if the result is a negative search, finding, or evidence
- ✓ Create a hypothesis that asks why the person is not found
- ✓ Test the hypothesis through reasonably exhaustive research
 - try to disprove the hypothesis
 - Ask subsequent questions as necessary to thoroughly prove or disprove
- ✓ Analyze and correlate all evidence discovered
- ✓ Reach a conclusion
 - presented as a clearly written, well-reasoned, proof argument with each statement of fact source cited with properly formatted foot or end notes.

Selected Resources

Board for Certification of Genealogists. *Genealogy Standards*, 2nd ed., rev. Nashville, Tennessee: Ancestry.com, 2021.

Hoitink, Yvette. "Direct, indirect, and negative evidence," *Dutch Genealogy*. 17 January 2022. <https://www.dutchgenealogy.nl/direct-indirect-and-negative-evidence/> : 2022.

Mills, Elizabeth Shown. *Evidence Explained*, 3rd ed. Baltimore, Maryland: Genealogical Publishing Company, 2017.

_____. "Negative Evidence vs. Negative Findings." *QuickTips: The Blog @ Evidence Explained*. 8 September 2018.
<https://www.evidenceexplained.com/quicktips/negative-evidence-vs-negative-findings> : 2022.

_____. "QuickLesson 13: Classes of Evidence—Direct, Indirect & Negative." *Evidence Explained: Historical Analysis, Citation & Source Usage*.
<https://www.evidenceexplained.com/content/quicklesson-13-classes-evidence%E2%80%94direct-indirect-negative> : 2022.

Resources Referenced in Cases

Benton, Josiah Henry. *Warning Out in New England*. Boston: W. B. Clarke Company, 1911. Digital images.
<https://www.google.com/books/edition/Warning-Out-in-New-England/uBfWQnc8hO8C> : 2022.

Bureau of Land Management. "Land Patent Search." Database with images.
<https://glorerecords.blm.gov/search/default.aspx> : 2022.

Doerfler, Sheilagh. "Warnings Out." *Vita Brevis*. 20 June 2017.
<https://vitabrevis.americanancestors.org/2017/06/warnings-out/> : 2022.

Enumeration District and Related Maps, 1880 - 1990. Record Group 29: Records of the Bureau of the Census, 1790 – 2007. National Archives and Records Administration. At
<https://catalog.archives.gov/id/821491> : 2022.

"Grants from the Federal Government (Public Domain)." *FamilySearch Wiki*.
[https://www.familysearch.org/en/wiki/Grants_from_the_Federal_Government_\(Public_Domain\)](https://www.familysearch.org/en/wiki/Grants_from_the_Federal_Government_(Public_Domain)) : 2022.

Historical Atlases and Maps of U.S. and States. <https://www.mapofus.org/> : 2022.

Illinois Servitude and Emancipation Records. Illinois State Archives. Database with images.
<https://apps.ilsos.gov/isa/servemansrch.jsp> : 2022.

For Further Reading

Dunn, Victor S. "Determining Origin with Negative and Indirect Evidence: Cylus H. Feagans of Virginia and West Virginia." *National Genealogical Society Quarterly* 105 (March 2017): 5-18.

Jones, Thomas W. "Backtracking Longstanding Errors to Prove Negatives: William Templeton's Alleged Pennsylvania Military Service and Mahoning County, Ohio, Burial." *National Genealogical Society Quarterly* 109 (March 2021): 5-28.