

# Sources - Evidence - Analysis

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You have always been told to Cite Your Sources. However, do you understand the difference between the various source and evidence types. Understanding the differences can help you better analyze the evidence you have located.

## Three Divisions of Sources & Evidence

*Sources:*

Original vs. Derivative

*Information or Knowledge:*

Primary vs. Secondary

*Evidence:*

Direct vs. Indirect

## Determine the Source Type

Knowing what types of sources, information, and evidence you are dealing with will determine its value to your research. You need to first determine when it was created, and if it is a copy. Does it answer your questions?

## Source Types

Sources can be people, legal documents, books, microfilm, diaries, calendars, journals or magazines, CDs/DVDs, artifacts, databases, or websites. By whatever name a source is called, the quality of a source is essentially determined by asking one question: Is it an original or a derivative? As a rule, original sources are more reliable than derivatives—although all rules have exceptions.

## Artifacts as Sources

Various types of artifacts can be sources, such as tombstones and quilts on which a female embroidered her name and dates.

## Original Source

The person or record whose information did not come from data already spoken or written.\* This is the best of all source types. However, they can be wrong. People often lie to government. I have birth certificates, marriage licenses and death certificates which all have lies on them. Official copies (i.e., verbatim transcriptions entered into church or governmental registers by persons charged by law with recording the information accurately) may be treated as an original if the actual “loose sheet” original is no longer available. Microfilmed images and digitized images may be treated as an original when produced by an official or otherwise reputable agency.

## Derivative Source

A person or record that supplies information that is repeated, reproduced, transcribed, abstracted, or summarized from something already spoken or written.\* All published lists, indexes and genealogy books are derivative sources. Photocopies and digital images made and distributed by individuals do not carry the same weight as originals because of the possibility of tampering. Certificates (birth, marriage, death, etc.) issued by church and governmental agencies are not considered originals because copying errors are more frequent, and data may be intentionally omitted to fit the form of the certificate.

## Primary Information

Data contributed by a knowledgeable eyewitness to, or participant in, the event that is the subject of the record. Even with an original source the information can be either primary or secondary. They are the first or earliest documents in which a particular piece of information was recorded— usually a manuscript or typescript, but occasionally a published work.

## Secondary Information

Data supplied by a person who recorded it after hearing of the event or its details from someone else. A death certificate, even if it is original, can be both primary and secondary. It is primary for name of the

individual who died at the time of death, also when, where & how death occurred. It is secondary as to the birth date of the individual and the individual's parents. Likewise a marriage license is both primary and secondary. Published works, including those distributed electronically, either copied or compiled from primary sources, or reflecting the conclusions of a researcher based on primary or secondary sources.

### **Evidence**

All information we find may not be relevant to our problem, even if it deals with our individual. A marriage record, on the other hand, typically would be evidence of the marriage. Though other information may be incorrect.

### **Terms of Evidence**

Relationship - Direct or legal connection between two people.

Identity - Records that all pertain to the same person.

Person - Collection of things, or evidence, which uniquely defines a person.

### **Direct Evidence**

A document that explicitly states the relationship or uniquely describes the person of interest. Provides an answer without the need for additional facts or further explanation.

### **Indirect Evidence**

A collection of documents, none of which directly addresses the matter at issue, but that can be used to infer a relationship or identity; also called "circumstantial evidence". In the quest for proof, where direct evidence is lacking or appears to be incorrect, indirect evidence from various sources is often assembled to arrive at a reasonable conclusion or "proof".

### **Applying the Rule**

Combine the evidence in all of the documents for a specific individual, and analyze the data contained in them as a group, not as single facts.

It is as important to prove who someone was not, as it is to prove who they were. Connecting family through relationships and known places, with other family members in those known places: i.e. - You know that Jane Smith is the sister of Joe Smith; you know that the same Joe Smith is Jim Smith's brother. Therefore, Jane and Jim are brother and sister, even when you don't have a record that can prove it.

If our problem is the identification of John's wife's maiden name, then information stating that John voted in the contested election of 1876, would not likely be evidence for the problem we have defined.

### **Non-Related Data**

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### **Admissible Evidence**

By its nature is worth considering, although there are still variances in degrees of reliability. Many of the exceptions refer specifically to genealogical facts, since everyone can learn of his or her own parentage only from being told by parents or others. Accordingly, the evidence is admissible in court, even though the information in it may have come from a third party.

Vital statistics records reported to a public office and records of religious organizations regarding births, deaths, marriages, divorces, ancestry, relationships and personal or family history are admissible evidence.

### **Inadmissible Evidence**

Inadmissible evidence, which, by its nature, is not reliable enough to be considered in a legal proceeding. Under the so-called hearsay rule, evidence is generally inadmissible if the person did not see or be involved in the event. However, the rule has a number of exceptions, recognizing that firsthand knowledge is sometimes difficult or impossible to come by, and circumstances can give some assurance

that the information is accurate, even though the one who originally gave the information isn't subject to cross-examination.

### **Proof**

Proof is a name for a process that takes place in the mind, not for the evidence on which it is based. Depending on the purpose, proof may require more persuasive evidence, and a higher level of assurance, to establish a fact as true.

Absolute or conclusive proof, seldom obtainable in real life, and in genealogy perhaps only through DNA testing.

### **Beyond Reasonable Doubt**

Proof beyond a reasonable doubt, the standard necessary for conviction in criminal courts, and possibly on many genealogical issues where all the significant evidence is both convincing and in agreement.

### **Proof by a Preponderance of the Evidence**

The standard applied to most facts at issue in civil court trials, and which is to be used in evaluating genealogical evidence.

### **Can't Make Positive Connection**

Analyze all of the data available for the time frame and the location of events. Determine all possible scenarios. Put yourself in their shoes. Determine who else was in the same place at the same time and who was not there in that time frame. Use alternate resources such as DNA.

Sometimes even the location of rooms in a house can help solve the problem

### **Research the Extended Family, Friends & Neighbors**

Many times we over look the people our families were related to or associated with. Work on the extended family members or FAN club of Friends, Associates and Neighbors. Don't over look the people your ancestors were associated with.

### **Conflicting Evidence**

Many times you will get conflicting evidence, and the problem is in trying to prove what is correct. This often takes a lot of research and analysis.

### **Summary**

Even though you may have multiple documents, the information may not be correct. Where possible get the original documents.

### **Source of Information**

Elizabeth Shown Mills. "Evidence! Citation and Analysis for the Family Historian", Baltimore; GPC, 1997.

Donn Devine. "Reliable Information, Whatever the Source," Ancestry (Jan/Feb 2001)

Donn Devine : "Evidence and Sources – How They Differ." Ancestry (May/Jun 1997).

\* definition by the Board of Certified Genealogists.