

NATIONAL GENEALOGICAL SOCIETY SPECIAL TOPICS SERIES
MASTERING GENEALOGICAL PROOF

NGS Special Publication No. 107
ISBN No. 978-1-935815-07-5

Printed in the United States on chlorine-free, acid-free, 30 percent post-consumer recycled paper.

Cover photos contributed by B. Darrell Jackson and Thomas W. Jones.
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PUBLISHED BY
National Genealogical Society
3108 Columbia Pike, Suite 300
Arlington, VA 22204-4304

Chapter 6

GPS Element 4: Resolving Conflicts and Assembling Evidence

If we cannot resolve the conflict, we have no conclusion to prove.

Conflicting evidence items provide incompatible answers to the same question. For example, some evidence indicates Eleanor's father was George Samuel Klug, and other evidence suggests he was Jacob Medley. At least one of those answers is wrong. Such conflicts can involve any of the data genealogists examine, including date, name, occupation, place, relationship, religion, and socioeconomic status. Some conflicts are major, some are minor, and some are between.

Ignoring a conflict calls our research, reasoning, and conclusion into question. Major conflicts must be resolved. We should avoid, however, over-emphasizing minor conflicts or obvious errors. Instead, we note them in passing—for example, a minor birth-date discrepancy that has no bearing on the research conclusion. For an instance of noting a conflict in passing, see appendix B (the article's page 106, the last two sentences of the second paragraph).

"Resolution of conflicting evidence" is the only GPS element we may bypass. If thorough research produces only evidence items agreeing on the answer to our research question, or compatible with that answer, we have no conflict to resolve. Thus, we sometimes can meet the GPS without addressing element 4.

We must, however, resolve evidence conflicting with a potential conclusion before we can finalize it and advance our case to proof. Unresolved conflicting evidence is incompatible with a conclusion. Until we resolve the conflict, we have no case for proof. A proved conclusion rests on all valid applicable evidence resulting from a thorough search, not part of it. Resolution requires us to establish that some part of the collected evidence is incorrect or does not apply to the research question at hand.

How evidence conflicts

Genealogical evidence items may conflict in any combination:

1. *A direct-evidence item may conflict with another direct-evidence item.*

For example, when the research question is "Who did Emma Cope marry?," one online source specifies the answer "Charles D. McLain" and another says "David R. McLain." See appendix B, the article's page 107.

2. *A direct-evidence item may conflict with an indirect-evidence item or a negative-evidence item (or vice versa).*

For example, when the research question is "Who was Amzi Leach's father?," direct evidence says his father was Benjamin or John Leach and indirect evidence from other sources suggests he was Abraham Leach or Daniel Wallen. For details, see Thomas W. Jones, "The Four Fathers of Amzi Leach: Analysis of Conflicting Evidence," *National Genealogical Society Quarterly* 82 (September 1994): 207-15.

3. *An indirect-evidence or negative-evidence item may conflict with another indirect-evidence item or a negative-evidence item.*

For example, when the question is *Where did plaintiff Philip Pritchett live?*, his initiating a lawsuit in Fauquier County implies he lived there, but no Pritchett appears in the county tax lists around that time, implying he lived elsewhere. See the article in appendix A, pages 30-33.

Resolving conflicting evidence

When evidence conflicts, we have incompatible answers to a research question. Resolving the conflict requires us to separate the evidence into likely-correct and likely-incorrect answers, discard the incorrect answers, and justify or explain that separation and discarding.

Reasoning

We may resolve conflicting answers to research questions in one, two, or three situations:

- *Lack of corroboration (also called nonsubstantiation).* Only one source or evidence item supports one side of the conflict, while multiple independent sources or evidence items support the opposing side. The unsupported information likely is erroneous.

For example, "An unknown family historian has identified Eleanor as a daughter of James Crow who died in Culpeper County. . . ."

Original records do not verify this allegation, which personal, not-for-profit, and commercial Web sites have disseminated." For details, see Thomas W. Jones, "Uncovering Ancestors by Deduction: The Husbands and Parents of Eleanor (née Medley) (Tureman) (Crow) Overton," *National Genealogical Society Quarterly* 94 (December 2006): 287–305, quotation from pp. 288–89.

- *Quality of evidence.* Primary information items from original records support one side of the conflict, while only derivative records, secondary information, or both support the opposing side. The latter qualities, suggesting likelihood of error, tilt the scale toward the primary information items from original records.

For example, evidence identifying Amzi Leach's father as Benjamin or John Leach was created after his death; evidence suggesting the father was Daniel Wallen comes from original records created by eyewitnesses who knew Amzi's mother and Daniel Wallen.

- *Explanation.* Plausible reasoning explains why evidence items differ. It also justifies discounting evidence supporting one side of a conflict.

For an example, see the discussion in appendix B (bullet 5 on the article's page 107) of Charles McLain's age in his marriage record.

All three situations may apply to resolving one conflict. When an evidence item is wrong, it often is wrong for two or three reasons. For an example, see figure 6.

Explaining conflict resolutions

We explain in writing the resolution of serious conflicts—especially evidence conflicting with a potential conclusion. Effective explanations of resolved conflicts include three components:

1. Identifying two or more answers in conflict
2. Listing or describing the evidence supporting each side of the conflict
3. Demonstrating that the conflict is resolved by lack of corroboration, quality of evidence, explanation, or a combination

See figure 6 for an example illustrating these three components of a written resolution of conflicting evidence.

Unresolved conflicts

Not all conflicting evidence can be resolved. This might make proof impossible. Stopping short of proof, we may state that a point is unresolved, summarize the related evidence, and explain why the conflict is not resolved.

Figure 6

Illustration and Analysis of an Explanation of the Resolution of Conflicting Evidence

1. The conflicting answers to the question of Charles's parentage are:

- *Charles and Jane E. Jones*
- *C. R. and Virginia Jones*

2. Evidence comes from the lawsuit's case file and a marriage bond (consistent with one answer) and Charles's death certificate (consistent with the other answer). These sources are cited prior to this summary discussion.

The court suit [saying Charles's parents were Charles and Jane E. Jones], as a contemporary legal document dealing with inheritance, merits the greatest credibility. The parties involved in the case were in a position to know the children's parentage. The record was created during Charles Robert's and Virginia's childhood, and their parentage is corroborated by other evidence. The marriage bond posted for Charles Jones to wed Jane E. Jones is evidence only of the parties' intention to marry. Alone, it would not establish his paternity of Jane's subsequent children; but coupled with court testimony on that point, the evidence is convincing. By contrast, the parents alleged for Charles Robert Jones on his death certificate [C. R. and Virginia Jones] are names provided after his death, by a daughter who had no firsthand knowledge of his parents.

3. The bases for the conflict's resolution are:

- The lack of corroboration for the death certificate's information
- The relative qualities of the case file (primary information) and death record (secondary information)
- The explanation that participants in the suit knew Charles's parents

Note: Adapted from Thomas W. Jones, "A Name Switch and a Double-dose of Joneses: Weighing Evidence to Identify Charles R. Jones," *National Genealogical Society Quarterly* 84 (March 1996): 5-16, quoted from p. 16.

We can express a belief that one side of an unresolved conflict is more likely correct. The discussion should make it clear to readers that we are presenting an opinion, not a conclusion from evidence. Recognizing that in such cases we have no conclusion or proof—all we have is a possibility—we qualify the discussion with words like *perhaps* and *possibly*.

Assembling evidence to establish a conclusion

If our thorough research yields either (1) only evidence in agreement or (2) conflicting evidence we have resolved, we can assemble the evidence into a conclusion. Our options for this assembly range from simple to complex. We use the option that reflects the kind of evidence we have found, the presence or absence of conflicts, and the kinds of evidence on either side of a conflict. Five approaches to assembling evidence are common:

1. *Direct evidence and no conflict.* All applicable evidence items, including at least one direct-evidence item, agree on—are compatible with—a research question's answer. This is the simplest and most common way genealogical evidence appears. Therefore, it is the most common way to assemble genealogical evidence to answer research questions.

For example, Mary Jones's two marriage records and her parents' family Bible record identify her parents as Silas and Sarah E. (Whiting) Jones. No source—including censuses, Mary's father's and paternal grandfathers' probate records, and Silas and Sarah's marriage record—provides direct, indirect, or negative evidence incompatible with this conclusion.

2. *Resolved conflicting direct evidence.* Two or more direct-evidence items disagree on a research question's answer, the genealogist resolves the disagreement, and all applicable indirect evidence agrees with that resolution.

For example, Calvin Snell's recorded will says he had a daughter Lydia; other sources name Louisa among his daughters and no Lydia. The conflict is resolved by multiple points of corroboration for Louisa and none for Lydia. For details, see Thomas W. Jones, "The Children of Calvin Snell: Primary versus Secondary Evidence," *National Genealogical Society Quarterly* 83 (March 1995): 17–31.

3. *Resolved conflict between direct evidence and indirect or negative evidence.* One or more direct-evidence items disagree with one or more indirect-evidence or negative-evidence items, and the genealogist resolves the disagreement. The resulting conclusion may arise from either the direct evidence or the indirect or negative evidence.

For example, a published genealogy says Maxfield Whiting's parents were Henry and Ann (Beverly) Whiting of Gloucester County, Virginia (direct evidence); court records in Stafford and King George counties, Virginia, show—without stating the relationship—that Maxfield's parents were William and Martha (Maxfield) Whiting (indirect evidence). The conflict is resolved

by evaluating the sources and information—the direct evidence includes no eyewitness information or documentation; the indirect evidence comes from events, sources, and information for which Maxfield and his mother were creators, informants, or participants. For details, see Thomas W. Jones, “The Parents of Maxfield Whiting of Virginia and Kentucky,” *The American Genealogist* 80 (July 2005): 195–200.

4. *Indirect evidence, negative evidence, or a combination of the two; an absence of direct evidence; and no conflict.* No known source answers the research question directly, but the assembled indirect or negative evidence agrees on one answer. This may include relatively rare situations in which all the evidence is negative—information absent from where it might be expected eliminates all but one possible conclusion.

For example, no source concerning Joseph Dilley who married and paid taxes in Fauquier County, Virginia, in 1804 names his parents, and no record of his proposed father, John Dilley Jr. (implied by a survey of land belonging to John Dilley Sr.) names John’s children. Direct evidence is absent, but indirect evidence from tax records and from John’s witnessing a deed and the absence of evidence for other candidates (therefore, negative evidence) support John’s identification as Joseph’s father. No evidence conflicts with this conclusion. For details, see Thomas W. Jones, “Dilley of Northern Virginia and Ohio: A Proposed Solution Hanging on a Single Word,” *The American Genealogist* 79 (July 2004): 220–27.

5. *Resolved conflicting indirect evidence, negative evidence, or a combination; and an absence of direct evidence.* No known source answers the research question directly, indirect/negative-evidence items disagree on the answer, and the genealogist resolves the disagreement.

For example, Philip Pritchett’s initiating a lawsuit in Fauquier County implies he lived there (indirect evidence), but the absence of Pritchetts in the county’s tax lists around that time (negative evidence) implies he lived elsewhere. The evidence of a Fauquier County residence is unsubstantiated, and indirect evidence shows that plaintiff Philip lived in Fairfax County and previously in Stafford County, thus enabling a documented explanation (along with lack of corroboration for the opposing evidence item) to resolve the conflict. See the article in appendix A, its pages 30–33.

Chapter 6 exercises

1. What is the definition of conflicting evidence?