

## **First Families of Washington County, Ohio Complete Rules of Evidence**

The nature and extent of the evidence submitted as proof in a First Families application shall be sufficient to prove that the applicant is directly descended from the pioneer ancestor(s) name in section E of the application, and sufficient to differentiate between any two persons of the same name residing in the same area at the same time.

### Evidence:

1. The ancestor(s) proved to have settled in Washington County, Ohio by 1830 must be in a direct ancestral line (parent to child) from either the paternal or maternal ancestor(s) of the applicant.
2. All proof documents must indicate their source.
  - a. Example: Bible Records must be submitted with their title page, showing the publication date.
  - b. Example: Newspaper clippings must be identified by the name of the paper, and the date of the clipping's appearance.
3. Primary or collateral evidence from vital statistics, court house or other government records, church and school records, are considered usually to be beyond doubt, and **excellent proof**.
4. Secondary evidence, such as census records, newspaper clippings, old letters, bible or other family records contemporary to the facts reported, are considered **almost as authentic**.
5. Old letters and family records can be accepted as proof for only the facts the writer of the records or letter would logically know, of his/her own knowledge.
  - a. The letter or record cannot be accepted as proof for facts the writher could only have obtained by hearsay from older generations, or other sources.
  - b. Identification of the writer and the date of the letter or record are a must.
  - c. The same rule is true of county histories or other published biographies. The biographers (who probably gave the biographer the information) must have been able to know the information of his own knowledge.
6. Land transactions (deeds, warrants, grants) can only be accepted as evidence of settlement in Washington County by 1830, if the record actually states that the individual was "of Washington County", and was dated prior to 1830. There were many absentee land owners and speculators in early Washington County, who never set foot in the county.
7. A tax list of 1830 is usually a record of taxes levied in 1829, and therefore could prove residence prior to 1830, if the individual is shown as a resident, and not an "absentee owner".
8. Proving female ancestors as having settled in Washington County by 1830 may be difficult. They must be proved as individuals.
  - a. Birth and death records of children often list mothers' maiden names.
  - b. Deed records often record the spouse's married name along with her husband's name as well as their place of residence in Washington County.
9. Photographs of tombstones usually prove only birth and death dates. However, sometimes relationships are shown on the tombstone and are considered good proof.
10. Applicants who no longer go by their birth surname must prove the transition from birth surname to current surname with a marriage license or other court record.
11. It is required that an ancestral chart be included to show the direct line (parent/child) relationships for each ancestral line submitted.

12. Please submit photo copies of all documents. Typed, hand-written, or printed copies of original document must be certified as a “True Copy” by a court house or another official such as a librarian or archive employee. An applicant cannot certify his/her own copies as true.

The following often do **NOT** definitely prove relationships or settlement:

1. Circumstantial evidence, implied facts, or hearsay are not considered as proof, unless backed up by Primary or Secondary evidence.
2. Oral, written, or published family traditions are often wrong, and are not accepted as proof.
3. Printed or manuscript genealogies, genealogical records, or genealogical compilations are not accepted as proof, unless they are well document and proved in themselves, or unless backed up by other acceptable proof. Family group sheets and unsupported information from an amateur or professional genealogist are considered in this context as genealogies, and not acceptable as proof.
4. Lineage papers from other patriotic or hereditary societies, by themselves and not considered proof. The document copies used for proving the lineage might be considered proof, if they follow rules of evidence.
5. Material authored by the applicant, or his family, cannot be considered as proof.
6. Documents used as proof must, either by themselves or in conjunction with other acceptable document, actually state the fact to be proved. If the document merely implies the fact, this is not considered proof.
  - a. Example: the expression “heirs” or “heirs-at-law” used in some estate documentation. This indicates different things in different states, and at different times, and is not necessarily a proof of direct descent.
  - b. If statements are to be used as proof of direct descent, the applicant must include with the application, copies of the inheritance law of the state, showing that, at the year the proving document was dated, it was proof of descent “in the blood line”, and must also include proof that the testator had at least one child
  - c. Ohio’s laws on inheritance have change many times through its history and what is true during one period, may not be true at another.
7. Other examples of implied evidence which is not acceptable as proof are:
  - a. Census records which show the name of the head of the family only, with numbers to represent the other residents by age grouping. These unnamed persons are not proved as children or spouse of the family head, nor as residents, no matter how well they match with other records.
  - b. Next door or close neighbors on a census record are not proved as related merely by their closeness on the census record.
  - c. A father in not proved as being in the area just because a child was born in that location. A birth record proves only that the mother was there on the birth date unless otherwise stated.
  - d. Blood descent is not necessarily proved by owning the same land as an earlier owner by the same name, whether the land was received by inheritance, or by purchase.
8. When a father and or mother are above the normal age for having children, the parentage claimed is suspect, and must be proved beyond a doubt.