

Basic Rules of Evidence

1. Primary evidence from vital statistics (birth, death, and marriage certificates), court house or other government records (military, land records, deeds, wills, land warrants, naturalization records, tax list, guardianship, ward and trustees, and civil dockets), church records (birth and baptism, marriage, death membership-communicants), school records (enrollment and school census) is considered to be excellent proof.
2. Secondary evidence such as census records, newspaper clippings, and obituaries (name of newspaper and date of publication are necessary), old letters (dated), Bible records (with title page and publication date) or other family records contemporary to the facts reported, county histories (supported by primary evidence) is considered almost as authentic.
3. Circumstantial evidence implied by facts or hearsay is not considered as proof unless backed up by primary or secondary evidence.
4. Oral, written or published family traditions are often wrong and are not acceptable.
5. Printed or manuscript genealogies, genealogical records, or genealogical compilations are not accepted as proof unless they are well documented 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 are not acceptable proof.
6. Lineage papers from other patriotic and hereditary societies in themselves are not acceptable as proof.
7. Materials authored by the applicant, or his/her family, cannot be considered as proof.
8. Documents used as proof must, either by themselves or in conjunction with other acceptable documents, actually state the fact to be proved. If the document merely implies the fact, this is not considered proof. An example is the expression "heirs" or "heirs-at-law" used in some estates. Ohio's (any state's) laws on inheritance have changed many times through it's history, and what is true during one period, may not be true at another. If these 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.

Other examples of implied evidence, which are not acceptable as proof are:

- Census records that show the name of the head of the family only, with no numbers to represent the other residents by age grouping. Those unnamed persons are not proved as children or wife of the family head, nor as residents, no matter how well they match with other records. Next-door or close neighbors on a census record are not proved as related merely by their closeness on the census.
- A father is not proved as being in the area just because a child was born there. A birth proves only that the mother was certainly there on the birth date.
- Blood decent is not necessarily proved by owning the same land as an earlier owner with the same name, whether the land was received by inheritance or by purchase.

9. Old letters, family records, etc., can be accepted as proof for only the facts the writer of the records or letter would logically know, of his own knowledge. They cannot be accepted as proof for facts the writer could have only obtained by hearsay from older generations, or other sources. Identification of the writer and the date of the letter or record are a must. This same rule is true of county histories or other published biographies. The biographee (who probably gave the biographer this information) must have been able to know the information of his own knowledge.

10. Land transactions (deeds, warrants, grants, etc.) can only be accepted as evidence of settlement in Seneca County as of December 31, 1860, if the record actually states that the individual was "of Seneca County," and was dated prior to 1860. Many absentee landowners and speculators in early Seneca County never set foot in the County.

11. A tax list of 1861 is usually a record of taxes levied in 1860, and therefore could prove residence prior to 1860 if the individual is shown as a resident and not an "absentee owner."

12. Proving female ancestors as settled in Seneca County as of December 31, 1860, is usually difficult. They must be proved as individuals by their maiden names.

13. The ancestor(s) proved in Seneca County as of December 31, 1860, must be in a direct line back from the paternal or maternal ancestors of the applicant.

14. Typed, hand-written or printed copies of original documents must be certified as a "true copy" by a court official, librarian, notary public, etc. An applicant cannot certify his/her own copies.

15. Photographs or "true copies" of tombstones inscriptions usually only prove birth and death dates. However, sometimes relationships are shown on the tombstone and are considered good proof.

16. A married female applicant must include a copy of her marriage record to prove her married name.