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**THE NEW
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DEVELOPING CREATIVE HYPOTHESES TO SOLVE GENEALOGICAL CHALLENGES

by Jan M. Joyce, DBA



Just six days before he died on 14 December 1864, John Knox Sr. sold ten parcels of land to his ten children. Each parcel, of approximately eighty acres, sold for \$3,500. Later in December, John's obituary appeared in local newspapers:

John Knox, Sr. a highly respected citizen of Washington Tp. died of general debility at the advanced age of 68 years, 43 of which he has spent in the township of his late residence.¹

The limited probate file for John offered no will. Two different administrator bonds were recorded to the same four men—Lawrence McMarrell, Jeremiah Liggett, Michael Baughad, and Michael Mangum. Both bonds were recorded on 11 January 1865; one was for \$2,000 and the other for \$10,000. It's unclear which bond was created first, but perhaps the \$10,000 bond was considered accurate or final, because the county's probate journal recorded only it.²

In January and February of 1865, the local newspaper published four notifications for the probate of the estate.³ Interestingly, during that time, the county's probate journal recorded the resignation of the estate administrator, Lawrence McMarrell.⁴

Within the brief thirty-day period between 11 January 1865 and 9 February 1865, all ten of John's children presented their deeds for recording at the courthouse.⁵ The existing court records do not show a new administrator appointed after McMarrell's resignation.

It seems obvious John knew he was dying. But, why would John sell his land to his children? He owned land for over thirty years and many of the children lived near John, probably on John's land.⁶ The price of each parcel sold was at, or even slightly above, the current market value for the Holmes County, Ohio, area.⁷ He did not sell it to his children for "love" and a small consideration, such as \$1, as was typical of the time. John could have passed it on to them via a will, a practice which was also quite common. But he didn't. He sold it to them. John died six days later.⁸

1 "Old Citizens Gone," *Holmes County* (Millersburg, OH) *Farmer*, 22 December 1864, p. 3, col. 3; digital images, Newspapers (newspapers.com).

2 "Ohio, Wills and Probate Records, 1786–1998," Ancestry (search.ancestry.com/search/db.aspx?dbid=8801), John Knox, Holmes County (1864–1865), see collections: Probate Records, No. 411–468, 1866–1870; Letters of Administrators, 1841–1862; Administrators and Executors Bonds, 1849–1864; Administrators Docket, Vol. 2, 1850–1864.

3 "John Knox's Estate," *Holmes County Farmer*, 26 January 1865, p. 2, col. 5; digital images, GenealogyBank (genealogybank.com). Notices also appeared in subsequent newspapers.

4 "Ohio, Wills and Probate Records, 1786–1998," see Probate Journals, Vols. 3–4, 1863–1875.

5 Holmes County, Ohio, Deed Records, Vol. 27–28, 1865–1866; digital images, FamilySearch (familysearch.org); see Vol. 27: Knox to Mary Knox, 79–80; Knox to Sarah Knox, 80–81; Knox to Martin Knox, 48; Knox to Samuel Knox, 78; Knox to William Knox, 78–79; Knox to Robert Knox, 80; Knox to Christian Knox, 23; Knox to John Knox Jr., 47–48; Knox to David Knox, 14–15; Knox to Daniel Knox, 49.

6 In the 1860 census Martin Knox lived two households away from John, see: 1860 U.S. census, Holmes County, Ohio, Washington township, Nashville, p. 227 (penned), dwelling 1561, family 1581. Also, John Knox Jr., fifteen households away: p. 227, dwelling 1576, family 1598. Also, Christian Knox, fourteen households away: p. 227, dwelling 1576, family 1597. Also, David Knox, one household away: p. 227, dwelling 1562, family 1584.

7 The author analyzed thirty random property transactions, of similar criteria, in the same Holmes County deed book in which the Knox deeds are recorded.

8 "Old Citizens Gone," *Holmes County Farmer*, 22 December 1864.

The Risk of a Single Hypothesis

After reading about John Knox Sr. and his atypical deathbed land distribution, several explanations may come to mind. These explanations are hypotheses—potential answers to research questions. In difficult research scenarios, we hypothesize to resolve conflict or explain a circumstance that lacks explanation. Often hypotheses are not based on evidence, but rather they provide possibilities for researchers to develop and explain events or circumstances.⁹

In most genealogical scenarios, one hypothesis is sufficient. That hypothesis evolves as we gather additional information. The same hypothesis could be formulated, tested, reformulated, and refined multiple times.¹⁰

However, one hypothesis is not enough when working on complex genealogical challenges. Many researchers stick with the first idea that comes to mind and begin research to support that “working hypothesis.”¹¹ This could lead one to support an answer that ultimately is incorrect. That hypothesis becomes the “story,” the presumed logical explanation, and evidence is sought to prove it while ignoring other evidence. This phenomenon, known as confirmation bias, can make the proof fit the hypothesis without further exploration.¹² After finding evidence to support one potential answer, researchers may not look for evidence to support other scenarios. Whereas, if researchers identify multiple explanations early in the research process, they are likely to seek out a larger variety of information. This broad research can be used to refute or support multiple hypotheses.

Three Stages of the Hypotheses Development Framework

You’ve identified a challenging research problem. Perhaps it’s a brick wall. It could be the presence of too many common surnames in the same geographic area or the elusive identification of a specific ancestor. Prepare to tackle this problem by collecting all data and then review all your available documents, information, and notes.

Using a three-stage framework to create and manage hypotheses aids the genealogical research process. In stage 1, through brainstorming and creative thinking, you create multiple hypotheses. In the second stage, you prioritize the hypotheses. And, in the third stage, you refute or support the hypotheses.

Stage 1: Creative Hypotheses Development

There are several proven methods for creative thinking and

brainstorming. Here’s a sampling of four techniques that can jumpstart your creative thinking.

1. Simplification and Sharing

It seems unnatural to reduce a formidable genealogy problem down to only a few basic facts, but simplification can create opportunities for insights. Begin by summarizing the situation concisely with basic information. Create brief sentences or bullet points. Limit these to only critical information.

As an example, the John Knox Sr. case can be summarized into bullet points:

- 8 Dec 1864, John sold ten parcels of land for \$3,500 apiece, one to each of his ten children. This represented all of John’s land holdings.
- Each of the ten deeds included the following identical characteristics:
- Each paid \$3,500
- A legal description of the land
- Premises were “free and clear from all encumbrances whatsoever”
- Three witnesses: L. McMarrell, George B. Orner, and C. B. Ferrill
- An “X” for the mark of John Knox Sr., sealed
- Lawrence McMarrell, J.P., as the clerk confirming the identification of John Knox Sr.
- 14 Dec 1864, John died (his wife had predeceased him).
- 22 Dec 1864, obituary published in local newspaper: “John Knox, Sr. a highly respected citizen of Washington Tp. died of general debility at the advanced age of 68 years, 43 of which he has spent in the township of his late residence.”
- 11 Jan 1865, administrator’s bond issued to Lawrence McMarrell, Jeremiah Liggett, Michael Baughad, and Michael Mangum for \$2,000. A different version of the administrator’s bond was issued to the same four men for \$10,000.
- 11 Jan 1865 through 9 Feb 1865, the ten children’s deeds were presented at the courthouse for recording.
- 26 Jan 1865 through 16 Feb 1865, weekly notifications were published in the newspaper for probate of the estate.
- 8 Feb 1865, the resignation of administrator Lawrence McMarrell was recorded in the county’s probate journal.
- No additional probate records exist today (such as an estate inventory, record of debtors and creditors, or receipts). There appeared to be no further administrator appointed.

9 Thomas W. Jones, “Developing Research Questions and Hypotheses,” *Advanced Genealogical Methods*, 2016 syllabus, Salt Lake Institute of Genealogy, (Salt Lake City, UT), Module 2, pp. 5–6.

10 Birdie Monk Holsclaw, “From Hypothesis to Proof: Indirect Evidence for the Maiden Identity of Elizabeth, Wife of George Hagenbeger,” *National Genealogical Society Quarterly* 92 (June 2004): 96.

11 L. J. Cronbach, “Beyond the Two Disciplines of Scientific Psychology,” *American Psychologist* 30 (1975): 116–27.

12 “Confirmation bias,” *ScienceDaily*, accessed 24 September 2018, sciencedaily.com/terms/confirmation_bias.htm.

After simplifying the details and making your list, study these pieces of information and generate as many hypotheses as possible.

The simplification method becomes exponentially more successful, however, when you share the scenario with others and invite them to assist. In a conversation, or preferably in writing, show your simplified scenario of bullet points to colleagues. Perhaps even share it with someone untrained in genealogy research. Request all the hypotheses that they can produce. Include instructions not to perform any additional research. This process takes only a few minutes and can provide excellent results with more, and fresh, ideas.

Be open to each hypothesis and explore its possibility.

2. Mind Mapping

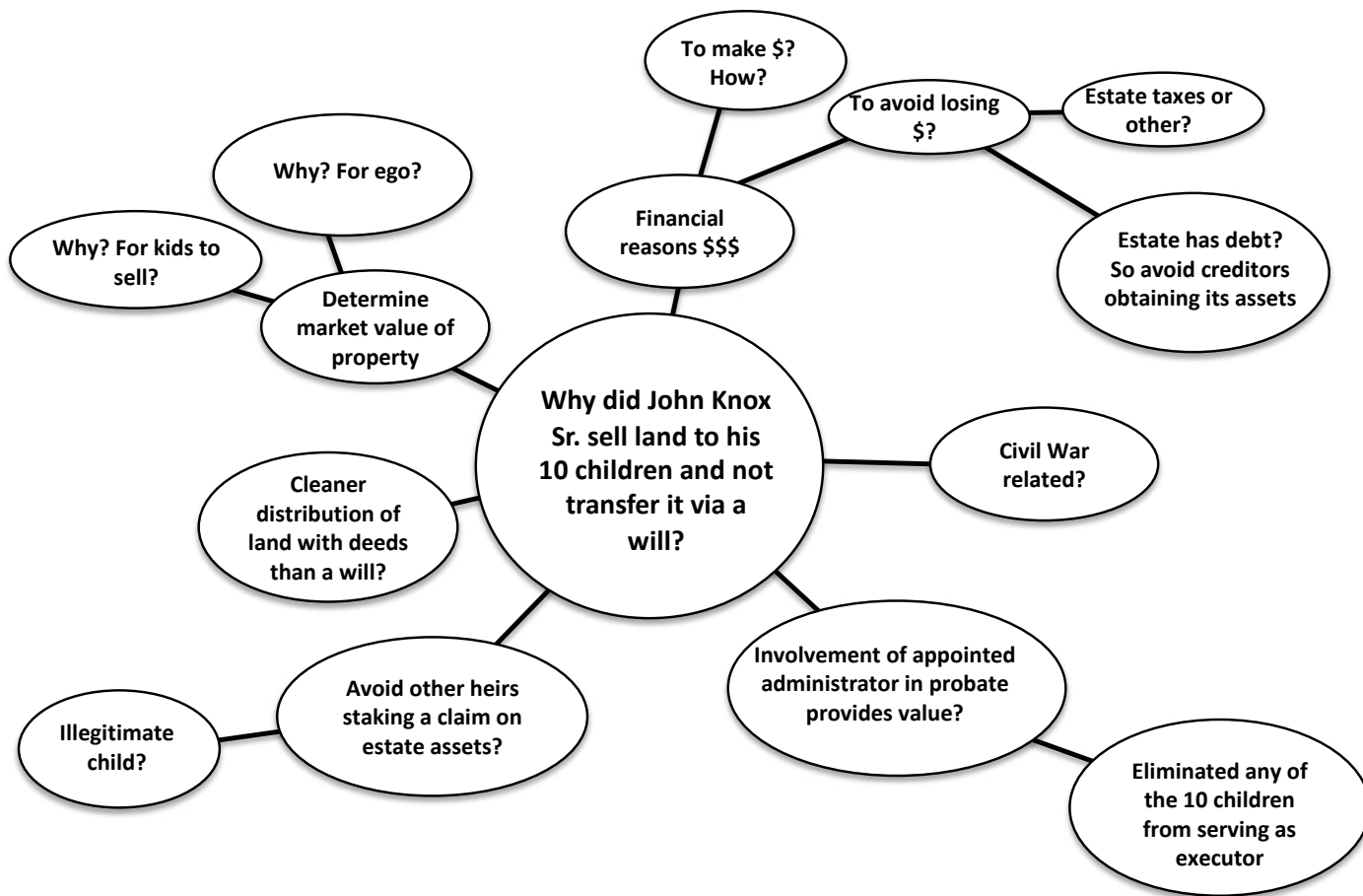
A second technique of creative thinking is mind mapping. In mind mapping you let your thoughts flow freely without the constraints of formats like the formal outlines many of us were taught in school. Mind mapping usually begins by writing a topic or question in the middle of a blank piece of paper. In this

scenario, write “Why did John Knox Sr. sell his land to his ten children and not distribute it via a will?” and circle it. Next, add scenarios that could answer the research question. Draw lines from the inner circle to these outer points and circle them.

This will look a bit like a hub and spoke system and will probably be messy. If a scenario builds on one of the points, draw a line from that circle to the new point and circle it. The overall idea is to let thoughts flow freely without trying to fit them into an outline format. The result is more creative ideas. Mind mapping has been written about extensively and is used in many research situations.

Possible scenarios may include anything from the mundane to the ridiculous. For example, it could change your mindset from thinking that an ancestor was pure and innocent to being a scoundrel. Instead of concluding your great-grandfather must have died between the 1900 and 1910 censuses, consider that he lost all his money gambling and left town.

A mind map for John Knox Sr. and his unusual land distribution may look something like this:



An example of a mind map.

As you use this free-flow method of thinking and brainstorming, you will likely generate new ideas. Each of these ideas can be explored further.

3. Genealogical Categorization

The first two methods of creative thinking are intended to generate hypotheses that may include “out-of-the-box” ideas. The third method provides a categorization, or checklist, of common genealogical scenarios. These categories can be used to generate more hypotheses as well as to log hypotheses from the other methods. Consider these categories for potential scenarios:

Errors. Consider the following possible errors.

- *Unintentional.* Errors could be misspellings, incorrect dates, wrong locations, mistaken names, and much more.
- *Intentional.* Sometimes the errors were intentional. For example, a child may have been deliberately left out of a will, or ancestors lied about their ages for a variety of reasons.
- *Unrecorded or missed.* A census enumerator skipped the house, or the parents neglected to record a birth at the county courthouse.
- *Multiple people with the same name.* It’s not uncommon to find people with the same name, whether related or not, living in close proximity to one another.

Events. Consider the following possible events.

- *Moved.* Someone may have moved into or out of the area. Moves occurred for all kinds of reasons.
- *Macro environmental issue.* A multitude of issues in our ancestors’ environments could create a challenge. There could be a famine or a natural disaster. If the economy was poor, then maybe your ancestor couldn’t keep the children in the household.
- *Military service.* Military service could explain absence from the census or a father’s absence at his child’s baptism.
- *Birth.* The birth of a child may explain a change in situation. The mother may have returned to her parents’ home to give birth and stayed longer than expected.
- *Marriage.* Marriage, separation, and divorce create name changes, changes of residence, and more.
- *Death.* Deaths change the household structure, alter a woman’s legal status, and more.

4. Expository Writing

A fourth technique for creative thinking is expository writing. This style of writing is explanatory and descriptive. It arranges the information in an organized format. The process of writing forces one to think differently and to fully develop the context around a situation—often uncovering insights and holes in the sequence

of events that would not have otherwise been exposed. Depending on the genealogical challenge, the type of expository writing may vary. It could be descriptive, sequential, a comparison, or a cause-and-effect format. Choose the format, or a combination of formats, that fits the situation or suits your personal style best. The final output of expository writing may be a case study or research report for yourself or a client.

An example of expository writing about the John Knox Sr. land distribution may include something like the following. This example exhibits creative liberty with the known facts and shows how possible explanations arise out of writing about the case.

An early December 1864 scene on the Knox farm in Holmes County, Ohio, that seems possible may include this: A very ill John Knox Sr. called together his family. He told them he was dying. Each child would receive exactly the same inheritance from him but it wouldn’t be transmitted the usual way through a will. Instead, he wished to set a high market value for the land and “sell” approximately 80 acres to every son and daughter for \$3,500 each before he died. The children objected because most of them didn’t have that kind of money. With a wink and a knowing look, John told them that they had each already paid him.

Perhaps there was further discussion about which child received what piece of property. Some may have already been decided because they were being farmed accordingly. There must have been discussion about the two girls’ properties and how they would be farmed. His daughters were not married and thus would need significant help to make the farms productive. There was probably already a system in place to do this.

If John had any creditors, or outstanding debts, he likely issued instructions to his sons for how to take care of them. If monies were owed John, perhaps he assigned these debts to different children, or even forgave them and had the notes returned.

John might have told the kids that he would not make a will, and thus his estate would be assigned an administrator. Because of the odd nature of how he chose to close out his estate, he didn’t want any of his sons, as was typical of the time, to be appointed as an administrator. Maybe he was trying to stave off any potential arguments among the children.

Finally, John had Lawrence McMarrell, Justice of the Peace, called to his bedside. There, John explained

the situation and how he distributed his property in a neat and clean way. He probably told McMarrell that he would be appointed as his administrator and that after a short time, McMarrell could resign because there would be nothing to administrate. The resignation should occur after all the deeds were recorded. Two additional witnesses were called and John executed ten deeds. Then, he probably sent McMarrell off with a handshake and a big jug of maple syrup from his farm.

If writing stimulates your creative thinking, you're bound to generate new hypotheses based on your expository exercise.

Stage 1 provides four methods for generating hypotheses. Applying one method may be enough, but utilizing more than one will increase not only the number of hypotheses but also the breadth of ideas. The many hypotheses that you generate should be recorded during the application of each method before proceeding to Stage 2.

Stage 2: Prioritize Hypotheses

During the first stage, it's tempting to begin research to support one tantalizing hypothesis. But the brainstorming should be completed before proceeding. Then you need to prioritize your ideas.

You can prioritize hypotheses in a couple ways. You may want to address the easier ones first. Some of the easy hypotheses can be refuted quickly and checked off the list. Or, you may want to concentrate on the hypotheses that are most logical—the one or two that sound most likely.

In the case study for John Knox Sr. the brainstorming stage produced many hypotheses. Here are a few hypotheses based on listing the ones easiest to address (support or refute) first.

- **Hypothesis 1: Financial reasons, to avoid creditors.** If John Knox Sr. had considerable debt, then his creditors would have legal access to his substantial estate. The creditors would have first priority when the estate was liquidated. By selling his land and giving away all his real and personal property before his death, John would avoid the creditors getting anything.
- **Hypothesis 2: Avoid other heirs staking a claim to any estate assets.** Perhaps John had other family members, such as an illegitimate child, he thought would try to claim a part of his estate. Through distributing his real property via deeds,

the other family member would have nothing to claim.

- **Hypothesis 3: Determine market value of the property.** By selling his land for \$3,500 per parcel, John may have attempted to set the market value. If his children wanted to sell their land soon after his death, they might be able to obtain top dollar for it.

Stage 3: Refute or Support Hypotheses

As each hypothesis is addressed, the rationale should be captured in research notes. The form of the notes could be a brief proof statement or proof summary that can be referred to later.¹³ Once a hypothesis is refuted, proceed to the next one. Disproving, or even attempting to disprove, a hypothesis can prove valuable and can lead to new lines of thinking.¹⁴ If all hypotheses are eliminated, return to the brainstorming stage. When a hypothesis has not been refuted, develop support for it and apply the Genealogical Proof Standard.¹⁵ A myriad of analytical methods can be utilized depending on the specific genealogical challenge. These methods could include tests of analysis and tests of correlation resulting in a simple solution or one that needs a proof argument.¹⁶

Let's look at hypothesis #1. In this hypothesis, it's proposed that John Knox Sr. had creditors to whom he owed money, perhaps significant amounts. By selling all his land to his ten children, John distributed the majority of his estate, protecting his assets. Test this hypothesis by writing down your responses to it.

- There was no evidence that John had debt of any kind. First, all ten deeds state that the parcels are "free and clear," thus, there were no mortgages. Second, notices appeared in the local newspaper requesting any debtors or creditors to come forward after John's death. The probate file holds no evidence of any creditors.
- The estate administrator resigned and, apparently, no new administrator was appointed, as would be the case if creditors needed to be addressed. County records were well kept and appear to be complete for this time period.
- According to laws in effect at that time, a creditor would not be able to pursue the land that had been legally sold to someone else. On the other hand, there should have been \$35,000 in John's estate as a result of ten parcels sold at \$3,500 each, which creditors could pursue.
- John was considered a highly respected citizen in the county.
- If John left creditors who had not been paid, that would bear

13 Thomas W. Jones, *Mastering Genealogical Proof* (Arlington, VA: National Genealogical Society, 2013), 84–87.

14 F. Warren Bittner, "Dora Luhr's Hanover Origin: A Case of Conflicting Direct Evidence," *National Genealogical Society Quarterly* 98 (September 2010): 173–76.

15 Board for Certification of Genealogists, *Genealogy Standards*, 50th anniversary edition (Nashville, TN: Ancestry, 2014), 1–3.

16 Jones, *Mastering Genealogical Proof*, 53–65 and 87–89.

poorly on his children's continued residence in the county. With one exception, they all appeared to live out their lives in Holmes County. It's unlikely John would leave the good Knox family reputation, which he had earned over four decades, shattered by not paying his debts.

This example shows how you can logically think through and address a particular hypothesis. You'll have to decide if this hypothesis seems likely. If not, move on to one of your other hypotheses and look for a more plausible explanation.

Creative Thinking and Hypotheses = Possible Solutions to Tough Challenges

A framework for hypotheses development increases the likelihood of solving a challenging research problem. Generating hypotheses does not guarantee a solution to the genealogical challenge, but it improves the outcome through the consideration of alternative solutions. Even hypotheses that are proven false are valuable.

Stage 1 provides methods for creative thinking that will help develop new, and perhaps unusual, hypotheses. By using simplification, mind mapping, expository writing, and genealogical categorization, new ideas will emerge.

In Stage 2, the hypotheses are prioritized. There are a couple ways to prioritize them including from easiest to most difficult, or from most likely to least likely.

Finally, in Stage 3, you need to support or refute each hypothesis. If one, or more than one, viable hypothesis remains, then you can develop a proof argument or conduct further research.

Hypothesis generation is a critical skill for any genealogist. Using a framework such as the one proposed here can aid in a researcher's efficiency as well as success.



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