

Forensic Genealogy Meets the Genealogical Proof Standard

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I. Definitions

- A. **Forensic Genealogy**: genealogy with legal implications, usually involving living people.
- B. **Missing and unknown heir** probate or estate research and expert testimony. The most popular, competitive and potentially remunerative type of forensic genealogy case.
- C. **Genealogical Proof Standard** (“GPS”): Meeting the GPS *only* requires applying five interwoven elements: (1) **reasonably exhaustive research**; (2) complete accurate citations; (3) tests sources and data via **analysis and correlation**; (4) **resolves conflicts** in evidence; and (5) is expressed as a **reasoned, coherent writing based on the best evidence** available. *Genealogy Standards*, 1-2.

II. Case Study – Initial Data

- A. **The Case**: Hired to attempt to document the living heirs of Albert W. Stein who died intestate (without a will) in 2013 just outside of Philadelphia, Pennsylvania, leaving behind \$22 million. Albert’s parents were Morris and Jennie (Bruck) Stein. In 1928, Albert’s father’s name was legally changed from Moishe Stomachin to Morris Stein. Albert left no wife, children or living siblings and thus his estate would go to his first cousins.
- B. **Key Documents**: (1) **Morris Stein-Jennie Bruck marriage**, Clerk of Orphans’ Court, Application for Marriage and Certificate no. 390504 (1918), Clerk of Orphans’ Court, Philadelphia, Pennsylvania. Key data for Morris: **Occupation: Inspector; Birthplace: Russia**; Residence: 2453 S. Hutchinson St.; **DOB: 15 Oct. 1885; Father: Max; Mother: Jennie; Residence of Father: Dead**, of Mother: ----; Birthplace of Mother/Father: Russia. (2) **Max Stein household, 1910 U.S. census**, Philadelphia County, Pennsylvania, Philadelphia city, Ward 2, ED 35, SD 1, sheet 6B, dwelling 63, family 122; digital image, *Ancestry.com* (<http://www.ancestry.com> : accessed 8 November 2013). Key information:

Name	Relation	Marriage	Age	Birth Place	Imm. Yr.	Trade	Industry
Max Stein	head	M2-16 yrs.	43	Russia	1903	Merchant	toys
Mary	Wife	M1-16 yrs.	35	Russia	1908	none	
Morris	Son	S	20	Russia	1909	tin Smith	
Morris	Brother	S	26	Russia	1905	Candler	Eggs

- C. **The Subjects**: Initial data: (1) Morris Stein (b. ca. 1884 -1889 = “**Morris #1**”), a brother of Max Stein; (2) Morris Stein (b. ca. 1888-1890 = **Morris #2**); and (3) **Jennie (Bruck) Stein** (b. ca. 1894-1896), **believed to have married one of the two Morris Steins, and the mother of Albert W. Stein**. Note: Both Morris Steins were Jews born in Ukraine/Russia.

- D. The Issue – A Question of Identify and Kinship:** Which Morris Stein in the Max Stein 1910 household married Jennie Bruck and fathered Albert W. Stein? Importance of Answer: If it is Morris #1, only Albert’s maternal first cousins will inherit the \$22 million.

III. Case Study – Methodology

- A. Starting Point:** Select the most recent data point in which you are confident in the accuracy and reliability of the data. In this case it is the 1918 Stein-Bruck marriage certificate, an original record containing primary information directly and indirectly relevant to the issue.
- B. Reasonably Exhaustive Research:** Obtain all reasonably available documents and data relating to the issue of your case. Key attributes: (1) Inquisitiveness, and (2) Imagination. Use checklists (see Additional Resources # 3, online “Kinship Checklist”).
- C. Organization:** Organize your documents in Ahnentafel files etc. or electronic databases.
- D. Analysis and Correlation:** This requires the researcher to **select the common data points to be correlated and contrasted.** The GPS “requires genealogists to **base conclusions on reliable evidence from independent information items.**” *Genealogy Standards, 23.*
- E. Use timelines;** an extract of the timeline from the Estate of Albert W. Stein follows:

<u>DATE</u>	<u>TIMELINE EVENT DESCRIPTION – EST. OF ALBERT W. STEIN</u>
15 Aug 1885	Morris Stein f/k/a Moische Stomachin born in Russia. Ex-56.
15 Oct 1885	Morris #1 born Russia per marriage certificate. Ex-51.
1889/90	Morris #2 born in Russia. Ex-21, 52, 68, 107 & 111.
21 Aug 1904	Morris left Bremen, Germany, for USA. Ex-56.
15 Sep 1904	Moische (Morris) Stein arrived in Baltimore, Md. Ex-56.
13 Aug 1906	Morris #1 was deeded 2447-53 So. Hutchinson St. Ex-60.
23 Jan 1910	Moesche Stomachin later Morris #2, arrived N.Y. on SS Napolitan Prince. Born Kiev, Russia; going to see father, Michael Stomachin, @ 519 Carpenter St. Ex. 52; and see 107.
26 May 1910	Morris #2, son, born ca. 1890 – imm. 1909, Pa; tinsmith; living with Max & Mary et al @ 519 Carpenter St. Also living in this household, Morris #1, bro., born ca. 1884/5 – imm. 1905, Alien; candler eggs. Ex-21.
30 Sep 1914	Moesche Stomachin later Morris #2, born 25 July 1889, Tinsmith, born Rokitna, Russia, lived Kiev; wife, Anna, born 15 Feb 1895; 2 children incl. Eli b. 8 Aug 1920. Declaration of Intention. Ex. 107.
31 Aug 1918	Morris #1-Jennie Bruck marry in Phila.; Morris an Inspector ; lived at 2453 S. Hutchinson St. Morris’ Father-Max, Dead; Mother-Jennie, alive. Ex-51.
31 Jan 1920	Morris #1, age 33 (b. ca. 1887), and Jennie in Laura Bruck 1920 census hh; Morris an egg inspector in a poultry house; imm. 1906; living at 1430 Franklin St. Ex-14.
23 Aug 1920	Moesche Stomachin later Morris #2 Stein, born 25 July 1889, Tinsmith, born Rokitna, Kiev, Russia, resided 2603 So. Beulah St., Phila.; wife, Anna born 15 Feb 1895 in Rokitna. Declaration of Intention. Ex. 107.

- F. Use **table charts** to compare and contrast common data points (in this case, birth dates; immigration dates; parents' identities; and occupations). Here follows Appendix D to the GPS Report (a proof argument; *Genealogy Standards*, 33) in the Estate of Albert W. Stein:

OCCUPATION ANALYSIS

MORRIS #1 OCCUPATION	MORRIS #1 EXHIBITS	MORRIS #2 OCCUPATION	MORRIS #2 EXHIBITS
Candler, eggs	1910 census Exh. 21 [Derivative source, undetermined information, direct evidence]	Tinsmith	1910 passenger list, Exh. 52 [Original source, undetermined information, direct evidence]
Inspector	1918 Stein-Bruck marriage, Exh. 51 [Original source, primary information, indirect evidence]	Tinsmith	1910 census Exh. 21 [Derivative source, undetermined information, direct evidence]
Egg Inspector, Poultry House	1920 census Exh. 14 [Derivative source, undetermined information, direct evidence]	Tinsmith	1914 Declaration of Intention, Exh. 107 [Original source, primary information, direct evidence]
Salesman	1925 Declaration of Intention, Exh. 56 [Original source, primary information, indirect evidence]	Tinsmith	1920 Petition for Naturalization, Exh. 107 [Original source, primary information, direct evidence]
Salesman	1928 Petition for Naturalization, Exh. 56 [Original source, primary information, indirect evidence]	Self-employed, Sterling Metal Works	1942 WWII draft card, Exh. 68 [Original source, primary information, indirect evidence]
Candler, Egg	1930 census, Exh. 15 [Derivative source, undetermined information, direct evidence]		

- G. Resolve Conflicting Evidence:** Pay attention to every single detail in your records and data; look for anomalies. The ultimate goal here was to resolve conflicts among evidentiary items.
- H. Reasoned, Coherent Writing:** The **Conclusion** to the GPS Report in The Estate of Albert W. Stein follows (footnotes omitted but are online; see Additional Resources # 3):

Conclusion

The following general rules of genealogical evidence analysis are noted: (a) sources that are original are usually more reliable than derivative or authored sources; (b) primary (firsthand) information generally is more reliable than secondary (hearsay) or undetermined information; and (c) evidence is based upon the relevance of information to the issue and “degree of explicitness:” directly (explicit), indirectly (not explicit) or negatively (not explicit).¹

Four attached charts² help illustrate that Morris #1 was the father of Decedent [Albert W. Stein].³ The argument for the conclusions relating to the key distinguishing factors between Morris #1 and Morris #2 (birth dates, immigration dates, parents’ identities, occupations) are supported, for the most part, with one or more original sources containing primary information that directly answers these questions.⁴ [Emphasis supplied.]

Based upon the above and the attached supporting documentation, affiant is of the opinion based upon a reasonable degree of genealogical certainty that (a) Morris #1 was born in 1885,⁵ he immigrated in 1904,⁶ and he worked primarily as an egg inspector;⁷ and (b) Morris #1 was the son of Max and Jennie Stein,⁸ the father of Decedent⁹ and husband of Jennie Bruck.¹⁰ Based upon the above and the attached supporting documentation, affiant is of the opinion based upon a reasonable degree of genealogical certainty that (a) Morris #2 was born in 1889,¹¹ he immigrated in 1910,¹² and he worked primarily as a tinsmith;¹³ and (b) Morris #2 was the nephew of Morris #1,¹⁴ the son of Max and Mary Stein,¹⁵ and the husband of Anna [Becker?].¹⁶

Additional Resources:

- 1) Board for Certification of Genealogists®, *Genealogy Standards* (Nashville, TN: Ancestry, 2014).
- 2) Michael S. Ramage, J.D., CG, “Missing and Unknown Heir, Real Estate, and Adoption Law Practice and Procedure” (<http://www.forensicgenealogist.pro/articlepracticaltips.html>).
- 3) *ForensicGenealogist.Pro*, “Kinship Checklist” and “Footnotes to NGS 2015 Course F342, Conclusion to GPS Report” (<http://www.forensicgenealogist.pro/forms.html>).
- 4) Thomas W. Jones, *Mastering Genealogical Proof* (Arlington, Virginia: National Genealogical Society, 2013).
- 5) Elizabeth Shown Mills, *Evidence Explained: Citing History Sources from Artifacts to Cyberspace*, 2d edition (Baltimore, Maryland: Genealogical Publishing Company, 2012).
- 6) Robert Charles Anderson, *Elements of Genealogical Analysis, How to Maximize Your Research Using the Great Migration Study Project Method* (Boston: NEHGS, 2014).