

Massachusetts Genealogical Council

www.massgencouncil.org

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**MGC Membership Renewal Form
Annual Meeting and Seminar**

FROM THE PRESIDENT

by Bernard J. Couming, MGC President

MGC by-laws state that one of our core missions is to guard the rights of all researchers to access public records. This issue has become very important to all genealogists over the past year. Legislative efforts have been made in Texas, California, and Indiana to close access to vital records. In 2002, that threat came to Massachusetts.

MGC, with the assistance of genealogists across the country, helped to stop the legislation in 2002. However, we believe that the attempt to close records here will continue. We need to be vigilant and active. Please join us on March 29th at our Annual Meeting where we will review the issues involved and make plans for the future. This is important. We need everyone's support and assistance.

IMPORTANT NOTICE: On January 31, 2003, Governor Mitt Romney announced that he would be increasing a number of fees charged for state services. This proposal was in response to the financial shortfall Massachusetts is experiencing. Fees to be increased include the cost of certified vital records. As of February 4, 2003, charges for research fees and certified copies of vital records have **not** changed. No date for an increase has been set.

MGC ANNUAL MEETING AND SEMINAR – Please join us!

By Sharon Sergeant, Director of Programs

The Massachusetts Genealogical Council's By-Laws mandate an annual educational conference on genealogical issues. This conference is held in conjunction with our Annual Meeting and helps us focus on good research techniques, and the proper use and preservation of our records - whatever form they may take! The 2003 MGC Seminar speakers will provide us with many inspiring stories for our "Beyond Vital Records" program.

Our meeting this year will take place on Saturday, March 29 and we are delighted to have a wonderful facility and program. The Alumnae Hall at Regis College in Weston provides a large meeting hall, a foyer for society and vendor tables, as well as a cafeteria on the same floor.

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**Officers and Delegates of
the Massachusetts
Genealogical Council**

Bernie Couming, President

Daphnah Sage, Vice President

Peter Viles, Treasurer

Sandra Gambone, Secretary

Ann Dzindolet, Director of
Archives, Massachusetts Society of
Genealogists Delegate

Shirley Barnes, Director of Civil
Records

Georgie Hallock, Asst. Dir. of
Civil Records

Mary Ellen Grogan, Director of
Newsletter

Sharon Sergeant, Director of
Programs

Bobby Lyman, Director of
Publicity

Sheila Fitzpatrick, Director of
Ways and Means

Jay Sage, Webmaster, Jewish
Genealogical Society of Greater
Boston Delegate

William H. Potter, Descendants of
Whaling Masters Delegate

Vacant, Essex Society of
Genealogists Delegate

Arlene Jennings, Friends of Silvio
Conte Archives Delegate

Suzanne Richardson, Genealogical
Roundtable Delegate

Wheaton Wilbar, Massachusetts
Chapter of Mayflower Descendants
Delegate

Mary Choppa, The Irish Ancestral
Research Association Delegate

Joan Sheridan, Waltham Historical
Society Delegate

**CIVIL WAR WIDOW GERTRUDE JANEWAY
DIES AT AGE 93**

By DUNCAN MANSFIELD

Associated Press, 1/20/2003

BLAINE, Tenn. — Gertrude Janeway, the last widow of a Union veteran from the Civil War, has died in the three-room log cabin in which she lived most of her life. She was 93.

Bedridden for years, she died Friday, more than six decades after the passing of John Janeway, who married her when he was 81 and she was barely 18.

"She was a special person," said the Rev. Leonard Goins, who officiated at her funeral yesterday.

She was to be buried today near her husband's slender military tombstone at the tiny New Corinth Church cemetery.

An honorary member of the Daughters of Union Veterans of the Civil War, Mrs. Janeway was the last recognized Union widow. She received a \$70 check each month from the Veterans Administration.

Still alive is Confederate widow Alberta Martin, 95, of Elba, Ala.

Mrs. Janeway, who lived her whole life in Blaine, about 30 miles north of Knoxville, was born 44 years after the Civil War ended.

Her husband was a 19-year-old Grainger County farm boy who ran away to enlist in 1864.

He sent his horse home and signed up under the surname January because "he was afraid his people would come and claim him," Mrs. Janeway said.

Janeway-January was captured by Confederates two months later near Athens, Ga. Paroled, he rejoined his unit — the 14th Illinois Cavalry — and served until the war ended four months later.

He spent many years in California before returning home to Tennessee and meeting then-16-year-old Gertrude.

Mrs. Janeway said her mother refused to sign papers to let her marry him before she turned 18. "So my man says, 'Well, I will wait for her until you won't have to,'" she recalled. "We sparked for three years."

She remembered getting married in the middle of a dirt road in 1927 with family and friends gathered around.

MGC ANNUAL MEETING AND SEMINAR – Please join us! (cont'd from page 1)

Your registration includes a continental breakfast and a full range of soup, salad, sandwich and brunch style waffle and omelet stations provided by the Regis cafeteria.

If you have never attended the MGC Annual Meeting, you should come. The Meeting will give you a chance to meet and talk to your fellow genealogists. You will find that you are not laboring alone in the wilderness. A genealogy conference will give you a chance to discuss your family history, and learn about resources and research problem solving techniques from speakers and other genealogists. How often do you have an opportunity to talk about how you found out your great-grandmother's maiden name to people who will **appreciate** your methods! [Courtesy does require that you listen to their stories too. You will learn from them.]

There will be time to meet and talk to people, to learn, to share and to shop. The vendors always have some interesting things. The vendors will open before the conference starts and will be available through the lunch break and perhaps later. Be aware that most vendors are small operations and will only take cash and checks.

The MGC Annual Meeting will open with an "Update on Public Records Issues and Legislation". This session will provide you with a review of what we learned in 2002, what legislation has been filed in the 2003 session, information about the public hearings process and what you can do to make sure that your legislators represent your interests. In addition, the election of officers will also take place.

Following the Annual Meeting, we will have the following speakers:

Peter Koutoujian, former President of the Massachusetts City Clerks Association and 30-year veteran of the Waltham City Clerk's

office, has first hand knowledge of the genealogy community's interests, as well as the issues that town and city clerks must address in their day-to-day operations. Vital records are only part of the resources available through the clerk's offices; other records of interest to us exist. In addition, we will discuss our responsibilities as users of these materials; we want to work with the record keepers to insure that they will welcome genealogists.

Ruth Thomasian, Project SAVE Armenian Photograph Archives Founder, has created an inspiring resource for the Armenian community and will provide insight on how other genealogists can benefit from the Project SAVE experience of photo identification and oral history collections.

Sharon Howland, Washington County Maine Records Preservation Fund Founder, has created an extraordinary resource for her home state and will provide us with a way to look at the monumental task of records preservation. Her methods are simple and cost effective steps that you can organize in your own community.

David Lambert, NEHGS Reference Librarian, will provide insight and motivation for sifting through old news in the dusty volumes and microfilm resources of newspaper collections throughout the Commonwealth. Reading old newspapers is not only entertaining but also full of genealogy gifts for every researcher.

The program flyer included in this newsletter details the program schedule, location, directions and registration form. Additional flyers are available from the Director of Programs. Call 781-209-8861 or visit our website www.massgencouncil.org. If you or your society would like to reserve a vendor table for this event, please contact Sharon Sergeant at 781-209-8861.

MASSACHUSETTS VITAL RECORDS LEGISLATION REVIEW

By Sharon Sergeant, Director of Programs

Between July 2002 and the closing moments of the 2002 legislative session, the MGC led two significant and successful campaigns to prevent the Massachusetts legislature from passing a Bill relating to birth, marriage and death records (House, No. 5158).

The most glaring problems with the bill and the process used by the proponents are as follows:

- H5158 was a poorly constructed rewrite of the 2001 session bill H132.
- H5158 had not had the benefit of public hearings or the full consideration of the issues raised at the H132 public hearings, and subsequent meetings between MGC Director of Civil Records Shirley Barnes and members of the legislature, as well as representatives of the Massachusetts Department of Public Health and Office of the Secretary of the Commonwealth.
- H5158 was also erroneously touted as "the bill genealogists support", despite repeated and specific MGC Board Member consultations with the bill proponents.
- H5158 would have restricted the historically open access [*Editor's Note: see the following article*] to vital records in a misguided effort to address the problem of Identity Theft, budget issues and records management modernization.

The chronological course of events:

On June 20, H5158 was submitted without notification or consultation with the MGC and is noted in the Massachusetts House Journal records as follows:

"By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 130 and 132, a Bill relating to birth, marriage and death records (House, No. 5158). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently." <http://www.state.ma.us/legis/journal/hj062002.htm>

On July 11, the House records note the bill movement as follows:

"By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill relating to birth, marriage and death records (House, No. 5158),— and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted." <http://www.state.ma.us/legis/journal/hj071102.htm>

A few days later, the MGC board became aware of the bill and immediately called a board meeting to review a paper copy of H5158. The MGC board then alerted many genealogists and Massachusetts society representatives to the problems found in the H5158 and advised them to contact their legislators for a copy. The legislature website never made the H5158 text publicly accessible. Legislators did attempt to correct some aspects of H5158 in the final hours of the 2002 formal sessions, but were unsuccessful and H5158 did not move further in the formal sessions ending July 31.

Apparently over the next few months, members of the legislature, Massachusetts Department of Public Health and Office of the Secretary of the Commonwealth did attempt to address the concerns of the genealogical community by revising the contents and language of H5158. Again, no MGC or other genealogical community representatives were consulted. As a result, the December version of H5158 was also flawed.

The MGC led another alert to genealogists and representatives on December 30 and 31 while H5158 proponents attempted to pass H5158 in the final hours of the legislature's informal sessions. H5158 did pass in the House of Representatives, however, the public outcry did motivate the Massachusetts Senate to hold rather than pass the bill.

While this was the end of H5158, it may not be an end to the misinformation that H5158 reflected. The MGC fully supports reasonable remedies for realistic problems and will continue to address these issues. Please, plan to attend the MGC Annual Meeting and Seminar on March 29 for up-to-date news on legislation issues.

RECORDS OF THE GOVERNOR & COMPANY OF THE MASSACHUSETTS BAY IN NEW ENGLAND¹: Orders Relating to Registration

In order to give us all a little background on the history of birth, marriage and death records in Massachusetts, I have copied the sections indexed as "Registration" in Shurtleff's *Records of the Governor & Company of the Massachusetts Bay in New England*. This is not a transcription of the records as they are printed. In order to make the information easily accessible, I have used modern spelling. All other wording and punctuation is as it appears in the printed volume. *Mary Ellen Grogan*

4 September 1639²

Whereas many judgments have been given in our Courts, whereof no records are kept of the evidence and reasons whereupon the verdict & judgment did pass, the records whereof being duly entered & kept would be of good use for precedent to posterity, & a relief to such as shall have just cause to have their causes reheard & reviewed, it is therefore by this Court ordered & decreed that henceforward every judgment with all the evidence, be recorded in a book, to be kept to posterity.

Item: That there be records kept of all wills, administrations & inventories, as also of the days of every marriage, birth & death of every person within this jurisdiction.

Item: To record all mens' houses & lands, being certified under the hands of the men of every town, deputed for the ordering of their affairs.

Imprimus: for every judgment at the Court of Boston, 6 pence

Item: The entry of every will, administration, or inventory, if it exceeds not a page, 6 pence

¹ Nathaniel B. Shurtleff, M.D., ed., *Records of the Governor & Company of the Massachusetts Bay in New England*, (Boston: Press of William White, 1854)

² *Ibid.*, v. 1, 275

For receiving the book of mens' houses & lands from the town, 2 shillings 6 pence
For every death 1 pence, for every birth 1 pence; the same to be certified once every year, at the time of the General Court, the same party bringing the certificates to pay the fees unto the recorder for entry of the same, and such towns to be fined 40 shillings as shall fail to send up their certificates.

14 June 1640³

Whereas, at the General Court the 4th day of the 7th month 1639⁴ there was provision made for the recording of several particulars, amongst which it is observed that births, deaths & marriages are much neglected in many towns,-

It is therefore ordered, that hereafter the clerks of the writs⁵ in several towns shall take especially care to record all births & deaths of persons in their towns; & for every birth & death they so record they are to have allowed them the sum of 3 pence, & are to deliver in yearly to the Recorder of the Court belonging to the jurisdiction where they live a transcript thereof, together with so many pence as there are births & deaths recorded, & this under the penalty of 20 shillings for every neglect; & for time past it is ordered, they shall do their utmost endeavor to find out in their several towns who have been born, & who has died, since the first founding of their towns, & to record the same as aforesaid.

Also the magistrates & other persons appointed to marry shall yearly deliver to the recorder of the Court that is nearest to the place of their habitation the names of such persons as they have married, with the days, month, and years of the same; & the said recorders are faithfully & carefully to enroll such births, deaths & marriages as shall thus be committed to their trust.

7 March 1644⁶

Whereas the order for the recording of deaths, births, & marriages is very useful & necessary, & yet it hath been in many places much neglected, it is ordered, that all parents, masters of servants, executors, & administrators respectively, shall stand charged to bring into the clerks of the writs the names of such, belonging to the, or any of them, as shall either be born or die, & that the new married men shall stand likewise bound to bring in a certificate of his marriage, under the hand of the magistrate which married him, to the clerks of the writs, who shall, under the penalty of twenty shillings, bring a certificate under his hand, with a penny a name, as well for the recorder of marriages as the rest; & for each neglect the person to whom it doth belong shall forfeit as follows, viz.: If any person shall neglect to bring in a note, or certificate, as aforesaid, together with 3 pence a name, to the said clerk of the writs, to be recorded above one month after such birth, death or marriage, he shall then pay 6 pence to the said clerk; if he neglect 2 months, 12 pence; if 3 months, 5 shillings; which forfeits shall be returned into the Treasury; also, we think it were meet the grand juries were minded to present such defaulters as they take notice of against the intent of this order.

11 November 1647⁷

To the end all records, wills, births, letters, & other instruments which are of special public concernment, may be safely preserved & impved [sic] for the good of present and succeeding ages, it is ordered by the Court, & the authority thereof, that forthwith there be, by direction of the auditor

³ Ibid., v. 2, 15

⁴ Editor's Note: Don't forget the Calendar change! The new year began on March 25th, so the 7th month in 1639 was September.

⁵ Definition of Clerks of the Writ: "It is ordered, that in every town one shall be appointed to grant summons & attachments in all civil actions;...These have power to send out peces [sic] to any towns, & to be called clerks of the writs. These are chosen for a year, & till new be chosen..." Ibid, v. 1, 344

⁶ Ibid., v. 2, 59

⁷ Ibid., v. 2, 208

general, a strong press made... [*Editor's Note: this entry continues with detailed instructions concerning the construction of this chest, the number of locks, and which officials should hold the keys to those locks. It is clearly evident that the safety and preservation of these records for future use was important to the founders of the Commonwealth.*]

6 May 1657⁸

[*Editor's Note: volume 3 covers the records of the House of Deputies, which had a similar function to that of the modern House of Representatives. The second entry for 6 May 1657 appears to be the final version of the official and approved order for the Colony Records. The primary difference appears to be in the amount of the fine applied to noncompliant clerks of the writs.*]

This Court, taking into the consideration the great damage that will unavoidably accrue to the posterity of this commonwealth by the general neglect of observing the law enjoining records of all births, deaths, etc. do therefore order, that henceforth the clerk of the writs in each town respectively take due care for effecting the same, according to the intent of the aforesaid law; & in case any person shall neglect their duty required by the said law then one month after any birth, death, or marriage, the clerk of the writs shall demand the same, with 12 pence a name for his care & pains; & in case any shall refuse to satisfy him, he shall then return the name of such person or persons to the next magistrate or commissioner of the town where such person dwells, who shall send for that party so refusing, & in case he shall still persist therein, shall give order to the constable to levy the same; & if any clerk of the writ shall neglect his duty hereby enjoined, he shall pay the following penalty, viz: for neglect of a year return to the County Court, 5 shillings; & for neglecting to return the name of any person returnable by this law, ether born, married, or dead, more than 30 days before his return to the County Court, 5 shillings. An that no future neglect may be herein, the recorder of each County Court is hereby enjoined from time to time to certify the County Courts, respectively, the names of all such clerks as shall neglect to make their yearly returns according tot his law, who, upon notice given, shall send for such clerk, & deal in the case according as law requires.

6 May 1657⁹

This Court, taking into their consideration the great damage that will unavoidably accrue to the posterity of this commonwealth by the general neglect of observing the law enjoining a record of all births, deaths & marriages within this colony, do therefore order, that henceforth the clerks of the writs in each town respectively take due care for effecting the same according to the intent of the aforesaid law: and in case any person or persons shall neglect their duty required by the said law more than 1 month after any birth, death, or marriage, the clerk of the writs shall demand the same, with 12 pence a name for his care and pains; and in case any shall refuse to satisfy him, he shall then return the names of such person or persons to the next magistrate or commissioner of the town where such person dwell, who shall send for the party so refusing, and in case he shall persist therein, shall give order to the constable to levy the same. And if any clerk of the writs shall neglect his duty hereby enjoined him, he shall pay the following penalty; i.e., for neglect of a yearly return to the County Court, 5 pounds, and for neglect of returning the name of any person returnable by this law, whether born, married, or dead, more than 30 days before his return to the County Court, 5 shillings. And that no future neglect may be herein, the recorder of each County Court is hereby enjoined from time to time to certify the County Courts respectively the names of all such clerks as shall neglect to make their yearly return according to the law, who upon notice given, shall send for such clerk, and deal in the case according as law requires.

⁸ Ibid., v. 3, 426

⁹ Ibid., v. 4 pt. 1, 290

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QUIZ

In what year were local officials in Massachusetts first required to submit copies of birth, marriage and death records to a central record-keeper?

1639 1789 1849

Answer:

See page 5 of the Newsletter.

Hint - you're wrong!

The **Massachusetts Genealogical Council** is dedicated to serving the interests of the state's genealogical community. Founded in 1980, the Council's stated aim is to develop and promote the study and exchange of ideas among persons and organizations interested in the pursuit of genealogy. Its programs and activities are designed to complement those of the many genealogical and hereditary societies throughout the state and to provide a statewide forum for genealogists. One of the Council's leading functions is to represent the concerns of genealogists in the halls of state and local government. The Council monitors the activities of agencies which bear on genealogical interests and testifies at hearings and other forums of government. The Council promotes the preservation and publication of state and local records and also provides information about them. It guards the rights of all researchers' access to public records and educates genealogists about the proper use and preservation of these records.

The MGC Board meets four times a year. Meetings are open to all interested genealogists, and we welcome your participation. Massachusetts genealogical organizations are urged to send a representative to these meetings. The next meetings are scheduled for: March 1, 2003 and May 3, 2003. The Board meets from 1:00 to 4:00p.m. at the National Archives in Waltham.

Annual Meeting: The 2003 Annual Conference will be held on Saturday, March 29. A program is included in this newsletter, and is available on our website. All genealogists are welcome to attend.

Newsletter: If you have information, notices, etc., that you would like included in the MGC Newsletter, please send them to the Newsletter Editor, Massachusetts Genealogical Council, P.O. Box 5393, Cochituate, MA 01778-5393 or email megrogan@ix.netcom.com .