

THE NEWSLETTER OF THE
MASSACHUSETTS GENEALOGICAL COUNCIL

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**REPORT ON VITAL RECORDS
LEGISLATION FOR 1994**

by
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Director of Civil Records

Entitled "An Act relative to birth, marriage and death records" has been filed by the Department of Public Health (DPH) for legislative action in 1994. This is a revision of H-193 of 1993 which was opposed by genealogists and others. As yet, there is no bill number. It will be in print with a number at the State House sometime after January. We think this new bill is a great improvement and acceptable by all concerned with family history research.

A working committee of those concerned with the threat to close the records to research, consisting of Dr. Albert Whitaker, the Archivist of the Commonwealth; Kathryn Hammond Baker, the assistant archivist; Marie Daly, representing The New England Historic Genealogical Society; Sheila Fitzpatrick, the president of The Irish Ancestral Research Association; and Shirley Barnes, Director of Civil Records of the Massachusetts Genealogical Council met many times with Elaine Trudeau, Registrar of Vital Statistics, Dr. Daniel Friedman, deputy commissioner of Public Health, and at the end Peter Harrington Deputy General Counsel of DPH.

Meetings started in April after the hearing in March, sometimes weekly, and once with the original committee that theoretically wrote H-193. The filed legislation represents the 8th revision. It has 103 SECTIONS, and 48 pages. Every SECTION concerning Chapter 46 of the Massachusetts General Laws (MGL) was especially reviewed and often revised after discussion.

A Special Vital Records and Statistics Committee is to be established to review for advisory purposes any regulations proposed by the registrar of

Vital Records and is to meet at least quarterly. There is to be a public hearing. The Registrar of Vital Records will be chair, and the state archivist will be a permanent member. The committee will have representatives from NEHGS and MGC as well as town clerks, city clerks, medical people, funeral directors, newspaper publishers, and others. This committee is also to oversee the automation of the vital records system in the state and the spending of the funds.

"Certified copies" for legal purposes, and "special certified copies" for non-legal purposes (at 1/2 the cost of certified) can be requested. Records and indices will be open for public examination and abstraction with a few restrictions.

On January 1, 1996, birth records through 1905, marriage and death records through 1945 are to be transferred from the registry of Vital Records to the state Archives with all corrections and indices. Thereafter, the records will be transferred on an every five year schedule.

Original records will no longer be kept at the town level but at state level with copies to the town. This is to take place only after an approved facility is available for the storage of permanent paper records and is not to start until after Jan. 1, 1996. Records now out in the towns will not be transferred to the state's custody.

There is to be a \$2.00 surcharge on every certified or special certified copy of a birth, marriage or death issued by a town or the state, and a \$10.00 surcharge on every marriage intention filed. This money is to go into a special fund overseen by the Special Vital Records and Statistics Committee to pay for improvement, preservation and automation of the vital record system, which includes the state Archives. There is a special Archives fund. Birth and death records are to be matched to help prevent fraud.

VITAL RECORDS LEGISLATION FOR 1994

Title: An Act relating to birth, marriage and death records.

[The following are Sections which are of importance to family history researchers and other researchers.]

SECTION 1. under Chapter 17, section 4

Establishes Special Vital Records and Statistics Committee to review for advisory purposes any regulations proposed by the registrar of VR and Statistics before a public hearing. Notices of this hearing, at least 21 days prior to such hearing are to go to all city and town clerks; the Secretary of State; the executive director of The New England Historic Genealogical Society; the directors of the Massachusetts Hospital Association; the Massachusetts Medical Society; the Massachusetts Funeral Directors Association; the Director of Civil Records of the Massachusetts Genealogical Council; the executive director of the Massachusetts Newspaper Publishers Assoc. and be published at least once in major newspapers across the state.

SECTION 11. Chapter 46, section 1 E (r) and (s)

(r) "Certified Copy" issued for legal purposes

(s) "Special Certified Copy" issued for general informational purposes and will not be suitable for legal purposes and shall be so marked. The base charge will be one-half the cost of certified copies.

SECTION 12. Chapter 46, section 2

Provides for a paper index to be made twice a year from automated data base of records and will only be available at the state registry.

Provides for reproduction of vital records by custodians, including electronic media. Provides for the retaining of paper records as permanent records. Also provides for the archivist to issue copies in format other than certified or special certified copies.

SECTION 13. Chapter 46, section 2A

subsection (1)

Provides for the transfer on January 1, 1996 of all records and indices, including corrected records of births through Dec. 31, 1905; records and indices of marriages and deaths through Dec. 31, 1945 and amendments filed prior to Dec. 31, 1945 then in the custody of the state registrar to the archives of the commonwealth. Subsequently, all records will go in five year increments as provided by Chapter 374, of the acts of 1983, commencing Jan. 1, 2001.

The archivist shall promulgate regulations relative to preservation and transfer which will be reviewed by the special vital records and statistics committee, with notice to NEHGS, MGC and the state registrar. Even if the records are not transferred, all records eligible for transfer will be available for public examination and abstraction of information.

subsection (2)

Allows public examination of records and their indices and the abstraction of information from vital records and the issuance of special certified copies except out of wedlock births, abnormal sex births, fetal deaths, and marriages of those born out of wedlock.

subsection(3)

Those who may receive a certified copy of a birth or marriage upon written application are registrant, spouse, children, parents, legal guardian, sibling, grandparent, grandchild, executor, or their legal representative. Others may receive a certified copy if they can satisfy the custodian of the need for protection of personal or property rights. Fetal death certificates are issued only to the parents or legal representative.

SECTION 28. Chapter 46 section 12

No sooner than Jan. 1, 1996 or when automation is completed, resident copies of birth and death records will not be transmitted. This is because original records will be at the state level rather than the town level and can be accessed in the towns via the automated system.

SECTION 29. Chapter 46, section 13 (h)

Starting January 1, 1996, original records of birth, marriage and death will be filed with the state registrar along with all documentary evidence, and this will be the source of the original certificates. Only **copies** of certificates will be filed with town clerks. This is to happen **ONLY** if a proper facility for the storage of original records is built, approved by the supervisor of public records. Death records and their corrections or amendments will be open.

SECTION 54. Chapter 46, section 31

This creates a fund through fees collected by a surcharge of \$2.00 on each certified or special certified copy or certified negative statement of each birth, death and marriage record and a surcharge of \$10.00 on each marriage intention filed to be known as the special state and local vital records and statistics fund. This fund is to provide Improvement services, not to supplant existing daily operating funding.

Also, a permanent special vital records and statistics committee will be established to oversee improvement, preservation and automation of the vital records system in the state. It shall consist of 17 members including the state registrar, the state archivist, 2 town clerks chosen by the Massachusetts Town Clerks Assoc.; 2 city clerks chosen by the City Clerks Assoc.; 1 member each chosen by The New England Historic Genealogical Society; the Massachusetts Genealogical Council; the Massachusetts Newspaper Publishers Assoc.; the Massachusetts Medical Society; the Massachusetts Hospital Assoc. the Massachusetts Public Health Assoc.; and the Massachusetts Funeral Directors Assoc. The commissioner of public health will appoint 4 additional members including a lawyer practicing family law, and others with expertise in medical research, epidemiology, and electronic data collection and management. The full committee must authorize all expenditures of over \$1000 from the fund. All funds generated by the archives or designated by the committee for the archives goes into a special archives fund.

SECTION 55. Chapter 46 section 32

Birth and death records will be matched, so as to curtail fraud. This is being done now, under regulations.

SECTION 71. Chapter 207 section 19

This provision for the surcharge of \$10.00 on marriage intentions which is in addition to any fee established by the community, with the money to go into the special fund.

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**MASSACHUSETTS GENEALOGICAL
COUNCIL**

Minutes
of the
Executive Board Meeting

November 7, 1993 Brookline, Massachusetts

PRESENT:

Kay Gardner-Westcott, Shirley Barnes, Richard Haskell, Sheila FitzPatrick, David Dearborn, Tillie Sweet, Gratia Mahony

CALL TO ORDER:

The meeting was called to order by President Kay Gardner-Westcott at 10:55 A.M. A quorum was declared.

SECRETARY'S REPORT:

The minutes of the Executive Board Meeting for August 22, 1993 were reviewed. Spelling corrections were made to the names of Thomasian and Dominic's. It should be noted that the first portion, through the Treasurer's Report, were taken by David Dearborn. The remainder of the August minutes were taken by Gratia Mahony. The minutes were accepted as corrected.

TREASURER'S REPORT:

The report was made by David Dearborn in the absence of Treasurer Rene Dearborn. The balance on hand as of 7 November is \$3,376.84. Membership renewals are slowly coming in. The Treasurer has noted additions and corrections on the membership list. David will update the list and print it out. A copy will be sent to Dick Haskell.

The treasurer's report was received and accepted.

COMMITTEE REPORT--PROGRAM:

The Spring Annual Meeting will be held at The Wayland Hearing Room at the Wayland Town Hall on Saturday 5 March, 1994 with a snow date of 26 March, 1994. The three speakers at the meeting will be:

David Dearborn--"Lesser Known Sources for Family History Research"

Ruth Thomasian--"Oral History and Photographs" (her talk will include Armenian history and photos)

Ann Lainhart--"Tips on Using New England Court House Records"

The speakers will receive lunch at no charge, in addition to their lecture compensation. Ruth Thomasian and Ann Lainhart will also have free use of a vendor table, however, they will be asked to provide a door prize to be presented at the meeting.

Janitorial fees for 4 hours (set up and take down of tables & chairs) will be \$65.00. Shirley Barnes will check on video equipment (screen and overhead projector). Rene and David will purchase juices at COSTCO. Shirley Barnes will contact Dominic's for cost of box lunches similar to those they provided last year. Kay, Shirley or Sheila will contact the radio stations for publicity and/or cancellation due to a snow storm.

Fees for meeting attendance will be \$10.00 for pre-registration (including lunch) if postmarked by Feb. 19, 1994. Registration at the door will be \$12.00 (which includes lunch).

COMMITTEE REPORT--CIVIL RECORDS:

Shirley Barnes discussed the mechanics of designating a "Family History Month". The process must be started well in advance. Shirley will contact her state legislator and MGC will proceed in requesting that October of 1994 be proclaimed "Family History Month" in Massachusetts.

A recently formed Central Mass. Genealogical Society meets in Gardner, Ma. Shirley will send Gratia their address and Gratia will send them an invitation to join MGC.

Shirley reported that version #8 of the proposed Vital Records legislation was filed recently. Sheila Fitzpatrick, Marie Daly and Shirley Barnes met with Peter Harrington, Deputy General Counsel for the Mass. Dept. of Public Health, Dr. Whitaker and Katherine Hammond Baker. A copy of the letter from Peter Harrington as a result of that meeting, dated 1 Nov. 1993 is attached to these minutes.

The request for a letter of endorsement from MGC was discussed and it was the consensus of the board that it was not appropriate to endorse the proposed legislation at this point.

A Report on Vital Records Legislation for 1994 will be written by Shirley Barnes and sent to Dick Haskell for newsletter information; and also sent to Gratia Mahony for inclusion with the minutes of this meeting.

COMMITTEE REPORT--PUBLICITY:

Richard Haskell is still looking for material for the newsletter. Shirley will send him a report on Vital Records Legislation so he can use some (or all) of it for the next newsletter.

Member societies should submit material on highlights of their organization's programs or events. Member societies may have material in their newsletters that would be of interest to other societies and could be submitted to MGC for inclusion in our newsletter.

It was noted that the Military Institute will move to the Fall River Shipyard in Quincy in the spring. Sandra Frost will sent information on the LDS Family History Center's recently acquired materials.

OLD BUSINESS:

In reference to the incorporation of MGC the by-laws need to be reviewed. The by-laws serve as the Articles of Organization and must be submitted to the Commonwealth first then to IRS as part of the process of incorporation. Therefore, a copy of the current by-laws is included with these minutes. The next MGC meeting will be held on Sunday, Jan. 9, 1994 at Dearborn's at 10:30 A.M. All Board Members and all delegates of member organizations are strongly urged to attend this meeting to discuss the current by-laws and to make recommendations for revisions if necessary.

There being no new business the meeting was adjourned at 2:00 P.M.

Respectfully submitted,
Gratia Mahony, Secretary

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MGC ANNUAL SEMINAR

SATURDAY MARCH 5, 1994

(Snow date is March 26, 1993)

WAYLAND TOWN HALL

SPEAKERS:

David Dearborn: "Lesser Known Sources for Family History Research"

Ruth Thomasian: "Oral History and Photographs"

Ann Lainhart: "Tips on Using New England Court House Records"

Registration fee, \$10 (must be received by Feb. 19th) fee at the door, \$12 (fees include lunch).

**BYLAWS
of the
MASSACHUSETTS
GENEALOGICAL COUNCIL
ARTICLE I**

Name

The name of this organization shall be the Massachusetts Genealogical Council.

ARTICLE II

Objects

The objects shall be to develop and promote the growth study and exchange of ideas among persons and organizations interested in the pursuit of genealogy; to act as representatives in monitoring legislative and administrative activities of state agencies affecting genealogists; to sponsor and present bills and programs designed to expand the resources and accessibility of services available and any other activity to advance genealogy.

ARTICLE III

Membership

Section A. Regular Membership

1. Membership is open to all persons and organizations interested in genealogy upon payment of dues for the current year. Organizations shall be represented by a delegate who shall be spokesman at Council meetings. Those joining June 1 or after shall have their dues apply from that date through July 31 the following year.

2. Any member or organization three months in arrears shall be dropped from the mailing list; any six months in arrears shall forfeit membership in the Council and may restore membership by payment in full of all obligations due the Council.

3. Each individual or organization shall have one vote at Council meetings.

Section B. Sponsoring Membership

Any person or organization interested in genealogy may become a sponsoring member by paying per annum, in lieu of annual dues the current fee determined by the Executive Board.

Section C. Revocation of Membership

The Executive Board may by two-thirds vote revoke membership from the Board or Council any time for just cause or conduct not in the best interests of the Council. Such charges shall be presented to the Board in writing and should action be deemed advisable the Secretary shall notify the member in writing against whom the charges have been made and the member shall be given an opportunity to refute said charges.

ARTICLE IV

Dues

Section 1. Any changes in dues and special fees shall be determined each year by the Executive Board after review of Council operating costs and approved by two thirds vote of Council members at the annual meeting.

Section 2. Dues shall be paid annually to the Treasurer on or before August 1 of the fiscal year the fiscal year being August 1 of the current year through July 31 of the following year.

ARTICLE V

Officers and Directors

Section 1. Officers of the Council shall consist of President Vice President, Secretary and Treasurer.

Section 2. There shall be a director for each of the standing committees: Program; Research; Publicity; Civil Records; and Ways and means. Each director shall when needed appoint his/her own committee except the Civil Records Director, who shall appoint an acting committee of at least four members to be approved by the Executive Board.

Section 3. Each officer and director shall be elected to serve a two year term and may succeed him/herself except the President may not serve more than two consecutive terms. Any officer or director absent for three consecutive meetings of the Executive Board unexcused shall be dropped from the Board and a new officer or director appointed.

Section 4. Any office becoming vacant may be filled by a member appointed by the Executive Board to serve the unexpired term.

ARTICLE VI

Duties of Officers and Directors

Section A. Officers

1. President: shall preside at all Board and Council meetings; appoint special committees when needed; be member ex officio of all committees except the nominating committee; and work to promote the interests and welfare of the Council.

2. Vice President: shall in the absence or inability of the President assume the responsibility of that office and assist in any other duties.

3. Secretary: shall keep accurate minutes of all Board and Council meetings and provide the President with a copy of said minutes no later than two weeks before the following Board or Council meeting of the same type; shall expedite the general correspondence of the Council; shall in the absence of the President and Vice President call the meeting to order and preside until a President Pro Ten has been elected and file a written report at the annual meeting reflecting the activities and progress of the Council.

4. Treasurer: shall keep accurate accounts of all monies received, due and expended, expenditures other than sundry items to be at the direction of the Executive Board; shall collect all dues and keep an up-to-date membership list; shall have accounts available for inspection at all times and in order for the annual audit; shall submit a financial report when requested; and at the close of the fiscal year shall submit a budget for the ensuing year to the Executive Board and file a written financial statement at the annual meeting.

Section B. Directors

1. Program: shall be responsible for arrangement and confirmation in writing of all meetings, conferences and program engagements; shall coordinate a speakers' bureau; assemble genealogical material, idea exchanges, and any other article or item to create meeting interest.

2. Research: shall survey and research sources of non-standard material and other specific problem areas to aid in the development and progress of genealogical study and research.

3. Publicity: shall expedite media and other means of publicity to promote and stimulate interest relative to the Council; issue a periodic newsletter reflecting legislative activities pending and resolved, potential programs, news and activities of other genealogists and organizations, and any other item of genealogical interest.

4. Civil Records: shall as directed by the Council, act as representative to present bills and recommend adoption of policies in the interest of genealogists at legislative and administrative hearings, special meetings, seminars and other such assemblies; shall act in behalf of the Council when immediate decision and alternate action must be taken at said hearings and assemblies; shall keep abreast of national state and local proceedings governing the affairs of genealogists; obtain and keep on file all bills and policies recommended; and file a written report of the actions taken and the results of said actions.

5. Ways and Means: shall devise ways and means to raise funds to support the Council and its programs.

ARTICLE VII

Executive Board and Duties

Section 1. The officers and directors shall constitute the Executive Board whose duty shall be to formulate the general policy of the Council; make recommendations and perform such other duties to serve and promote interest in genealogy and the growth of the Council.

Section 2. This Board shall be subject to the order of the Council and none of its acts shall conflict with any action taken by the Council.

ARTICLE VIII

Nominations and Elections

Every odd numbered year the Executive Board shall appoint a nominating committee whose duty shall be to prepare and submit to the Secretary a slate of officers and directors to be elected at the annual meeting a copy of which the Secretary shall mail to each member with the notice of that meeting. At this meeting further nominations may be made from the floor and the final slate shall be approved by majority vote of the Council present.

ARTICLE IX

Auditor

Each year a member or independent person shall be appointed by the Executive Board to examine the Treasurer's accounts and file a written report at the annual meeting.

ARTICLE X

Meetings and Quorum

Section 1. There shall be no fewer than four Executive Board meetings per year, time and place fixed by the President.

Section 2. There shall be no fewer than two Council meetings per year, time and place fixed by the Executive Board. One of these meetings shall be the annual meeting and shall include reports of officers and directors and any other business pertinent to the Council.

Section 3. A special Board meeting may be called at the written request of three members of the Board; a special Council meeting may be called at the written request of ten members of the Council and shall meet within three weeks of receipt of request the purpose of the meeting to be stated in the call.

Section 4. Five members of the Board shall constitute a quorum; fifteen members of the Council shall constitute a quorum.

ARTICLE XI

Amendments

These bylaws may be amended at any Council meeting by a two-thirds vote of members present, provided the proposed amendment has been submitted in writing before that meeting, or incorporated in the notice of that meeting.

ARTICLE XII

Dissolution of the Council

Section 1. If through necessity the Council must dissolve, a special meeting shall be called and a written notice mailed to each member stating the reason(s), the time and place fixed by the Executive Board.

Section 2. The Executive Board shall pay or make provision for payment of all liabilities of the Council; any remaining assets shall be distributed to an organization(s) with similar objectives recommended by the Executive Board and approved by two-thirds vote of the Council present at that meeting.

ARTICLE XIII

Personal Liability

No officer, director or member shall be held personally liable for any debt, liability or obligation of the Council. All persons, organizations and other entities having any claim whatever against the Council may look only to the funds, money due, and assets of the Council for payment of any such claims due them.

ARTICLE XIV

Parliamentary Authority

The deliberations of all Board and Council meetings shall be governed by the most recent edition of "Roberts' Rules of Order".

Bylaws adopted 27 June 1981

Amendments to the By-Laws adopted in 1985

According to Article X, Section 2, "There shall be no fewer than two Council meetings per year, time and place fixed by the Executive Board. One of these meetings shall be the annual meeting, and shall include reports of officers and directors, and any other business pertinent to the Council." The Executive Board proposes to the membership that this Section be amended to read: "There shall be at least one Council meeting per year, time and place fixed by the Executive Board. This meeting shall be the annual meeting, and shall include reports of officers and directors, and any other business pertinent to the Council."

Change in the Dues:

According to Article IV, Section 1, any change in dues must be "approved by two-thirds vote of Council members at the annual meeting." The Executive Board proposes to the membership that dues for organizations be increased from five (5) dollars to ten (10) dollars.



POOR JOHN SCOTT
LIES BURIED HERE
THOUGH ONCE HE WAS
BOTH 'ALE AND STOUT
NOW DEATH HAS DRAWN
HIS BITTER BIER
IN A BETTER WORLD
HE HOPS ABOUT

RELATIONSHIP CHART

		1	2	3	4	5	6	7	8	9	10	11
	CA	SON	G SON	GG SON	2GG SON	3GG SON	4GG SON	5GG SON	6GG SON	7GG SON	8GG SON	9GG SON
1	SON	BRO	NEP	G NEP	GG NEP	2GG NEP	3GG NEP	4GG NEP	5GG NEP	6GG NEP	7GG NEP	8GG NEP
2	G SON	NEP	1C	1C1R	1C2R	1C3R	1C4R	1C5R	1C6R	1C7R	1C8R	1C9R
3	GG SON	G NEP	1C1R	2C	2C1R	2C2R	2C3R	2C4R	2C5R	2C6R	2C7R	2C8R
4	2GG SON	GG NEP	1C2R	2C1R	3C	3C1R	3C2R	3C3R	3C4R	3C5R	3C6R	3C7R
5	3GG SON	2GG NEP	1C3R	2C2R	3C1R	4C	4C1R	4C2R	4C3R	4C4R	4C5R	4C6R
6	4GG SON	3GG NEP	1C4R	2C3R	3C2R	4C1R	5C	5C1R	5C2R	5C3R	5C4R	5C5R
7	5GG SON	4GG NEP	1C5R	2C4R	3C3R	4C2R	5C1R	6C	6C1R	6C2R	6C3R	6C4R
8	6GG SON	5GG NEP	1C6R	2C5R	3C4R	4C3R	5C2R	6C1R	7C	7C1R	7C2R	7C3R
9	7GG SON	6GG NEP	1C7R	2C6R	3C5R	4C4R	5C3R	6C2R	7C1R	8C	8C1R	8C2R
10	8GG SON	7GG NEP	1C8R	2C7R	3C6R	4C5R	5C4R	6C3R	7C2R	8C1R	9C	9C1R
11	9GG SON	8GG NEP	1C9R	2C8R	3C7R	4C6R	5C5R	6C4R	7C3R	8C2R	9C1R	10C

HOW TO USE THE CHART:

Start at the box in the top left corner that contains "CA" (Common Ancestor) and descend in the vertical column under Common Ancestor to the box containing your relationship to the Common Ancestor (keep one finger on this box or note its row #). Start again at the "CA" box and move across this top row to the box containing the relationship of the other person to the Common Ancestor (keep another finger on this box or note its column #). The box at the intersection of this vertical column (of the relationship of the other person to the CA) and the horizontal row (of your relationship to the CA) contains the relationship of you and the other person.

ABBREVIATIONS:

CA = Common Ancestor
 SON = son or daughter
 NEP = nephew or niece
 C = cousin
 R = removed
 G = grand
 GG = great-grand

2GG SON = second great-grandson or great-great-grandson (or granddaughter)
 3C2R = Third cousin, twice removed

MGC
Officers and Directors

President	Katherine A. Gardner-Westcott
Vice President	David C. Dearborn
Secretary	Gratia Mahony
Treasurer	Rene Dearborn
Director of Civil Records	Shirley M. Barnes
Director of Programs	Shiela Fitzpatrick
Director of Publicity	Richard A. Haskell
Director of Research	Sandra Frost
Director of Ways and Means	

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MGC NEWSLETTER REPRINTS FOR SALE

Mass. Divorce Records: Where to Find Them by Roger D. Joslyn \$1.00

New England Naturalization Records Index by Roger D. Joslyn \$1.00

Records of Massachusetts Congregational Churches by Mary F. Morgan \$1.00

Civil Records: Massachusetts Updated 1988 by Melinde Lutz Sanborn \$1.00

MASSACHUSETTS GENEALOGICAL COUNCIL
Richard A. Haskell, Editor
P. O. Box 5393
Cochituate, MA 01778

Genealogical Research at the Boston Public Library by William Schoeffler \$1.50

Genealogical Research at the Boston Public Library: An Update of Microtext Holdings by Alice Kane \$1.00

The Home for Destitute Catholic Children by Ann S. Lainhart \$1.00

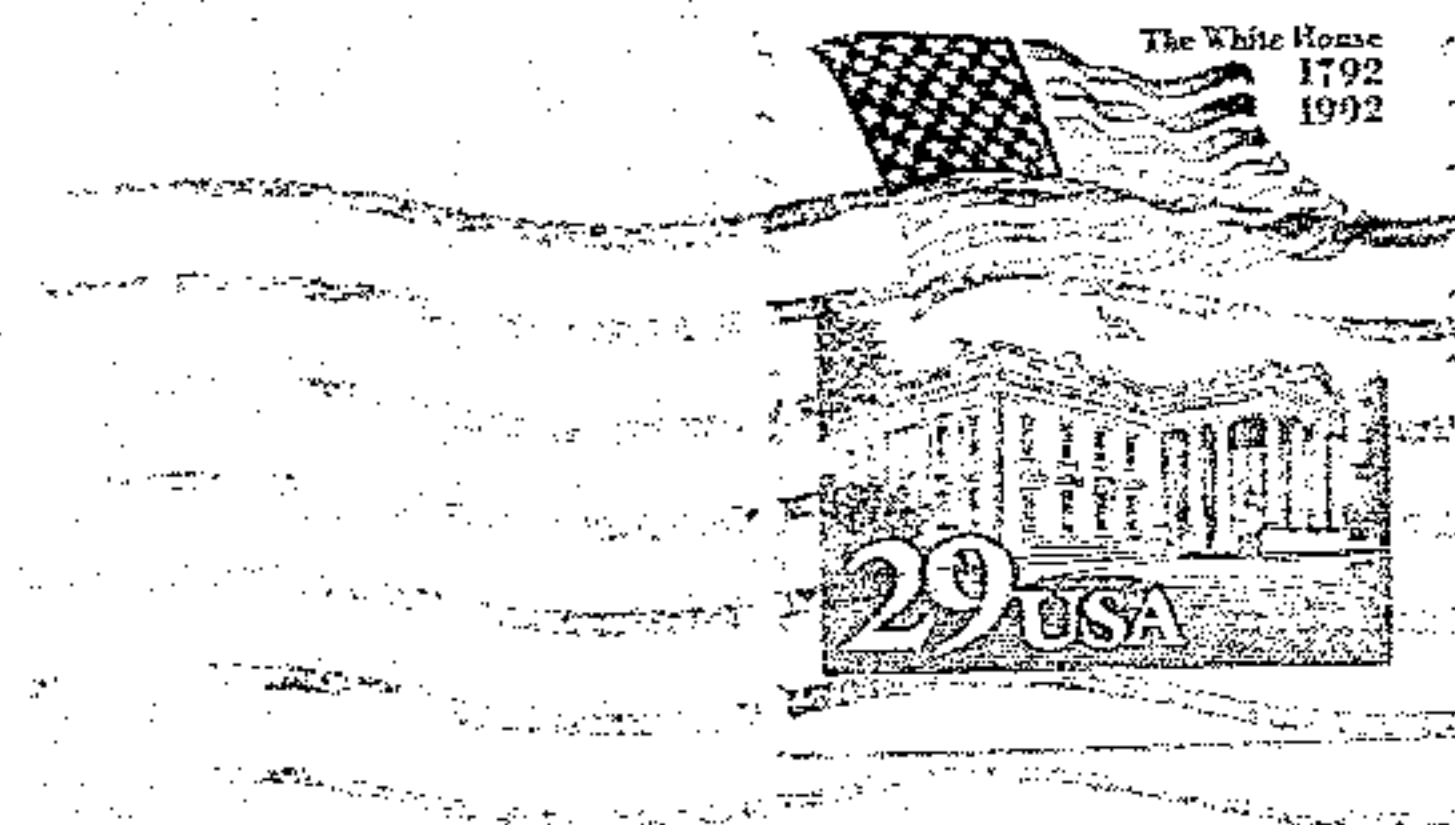
How to Join the Mayflower Society by Alicia Williams \$1.00

17th and 18th Century Massachusetts Court Records of the Supreme Judicial Court by Ann S. Lainhart \$1.50

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