



MASSACHUSETTS GENEALOGICAL COUNCIL

<http://www.massgencouncil.org>

Member Organizations

Allen County Public Library, IN

American-French Genealogical Society

Billerica Friends of Genealogy

Central Massachusetts Genealogical Society

Descendants of Whaling Masters

Essex Society of Genealogists

Friends of the Silvio O. Conte Archives

The Genealogical Roundtable

Greater Boston Chapter of the Association of Professional Genealogists

The Irish Ancestral Research Assn.

The Jewish Genealogical Society of Greater Boston

The Massachusetts Society of Genealogists

The Massachusetts Society of Mayflower Descendants

The National Society of the Daughters of the American Revolution

New England Historic Genealogical Society

Plymouth County Genealogists

The Waltham Historical Society

FROM THE VICE-PRESIDENT'S DESK

By Daphnah Sage, MGC Vice-President

In addition to following the proceedings on Beacon Hill regarding legislation affecting open records, the Massachusetts Genealogical Council has as its mission the task of holding a seminar on topics related to family history research. This year, Helen Leary, with her delightful sense of humor, stimulated us with a whole-day's worth of presentations, which kept us all listening intently. Both beginners and very advanced genealogists greatly enjoyed the program.

Of course, such a full day of programming does not come about without much work by many people. All of us are very grateful to Sharon Sergeant, who as Director of Programs oversaw the planning and made certain of its success. Throughout the project Mary Ellen Grogan worked with Sharon, by bringing us Helen Leary and coordinating the plans with the Best Western Hotel in Waltham.

By now, Bobby Lyman has perfected the art of producing the publicity for the annual event, while Georgie Hallock, Sheila Fitzpatrick, and Sandra Gambone stepped in everywhere they were needed. As always, we count on Ann Dzindolet and Wheaton Wilbar to round out our work team at the Seminar. As he is supposed to, Peter Viles, our treasurer, with Bob Stone's assistance, kept a strict eye on registration and finances. At the Seminar, we also heard from Shirley Barnes, who, working with Jack Gracey, ferrets out the truth about every legislative alarm that is raised to us. Her experience and follow-through are the basis of our excellent legislative record.

Those of you who were able to attend the Seminar told us how much you appreciated the vendors who were present this year. We are very happy that you were pleased.

To all the people who made this Seminar such a successful day, making us forget the rainy weather outdoors, I send my heartfelt thanks. You were a wonderful team, and you truly made it "happen."

MGC BOARD 2003-2004

OFFICERS

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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 that 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 Massachusetts Genealogical Council (MGC) is composed of both Individual and Organization Members. Individual members receive the newsletter, participate in activities organized by the MGC, and may attend the Annual Meeting and Seminar at a discounted member-only rate. All Organization Members receive the newsletter. Organization Members of groups based in Massachusetts are encouraged to send a delegate to the quarterly meetings of the Board of Directors. Delegates are voting members of the Board.

Membership in the Council is open to any person or organization interested in its activities upon payment of dues. The membership year runs from 1 January through 31 December. Dues are: Individual \$7.50, Organization \$10.00, Sponsor \$15.00. Note: Dues are NOT tax-deductible.

The MGC Board meets four times a year at the National Archives in Waltham. Meetings are open to all interested genealogists, and we welcome your participation. Meetings are scheduled for August 7, September 18 and November 1, 2004 at 1:00 pm. Massachusetts genealogical organizations are urged to send a representative to these meetings.

TO OUR MEMBERS

Newsletter: We send paper copies of the newsletter to all members. If you would prefer to get your copy via email instead of paper, please send a note to editor@massgencouncil.org. An electronic version has links embedded in the text for easier reference. It will also be delivered more quickly!

We are looking for members who would be interested in participating in MGC activities. If you enjoy the newsletter, now is the time to consider joining us. The Board is a friendly group. We enjoy working together, but it is time to start to add some new faces. We will need a new Newsletter Editor beginning in the fall of 2005. Now is the time to get involved. Our members contribute to the information in the newsletter. We usually have too much material, which is unusual for a society newsletter. The Newsletter Editor does need to know Word (or a similar program) well, but the template for the basic format is set. How about joining the Newsletter Group for a while and see if you like it. Contact Mary Ellen Grogan at editor@massgencouncil.org. You will be glad you did!

MINUTES OF THE 2004 ANNUAL MGC MEETING

By Sandra Gambone, MGC Secretary

The Annual Meeting was held at the Best Western Hotel, Waltham, Massachusetts, on Saturday, March 27, 2004. The meeting was opened by Vice-President Daphnah Sage. Secretary Sandra Gambone read the minutes from the 2003 Annual Meeting and Seminar. The minutes were approved. Three members were appointed to a committee to approve the minutes of this Annual Meeting – Mary Rhinelander McCarl, Bill Naughton and John Thompson. The Treasurer's Report was given by Treasurer Peter Viles.

Shirley Barnes, Director of Civil Records, discussed House bill H2233, called the "vital records bill", which was filed by Representative Thomas O'Brien. Bill H5158, which we were following last year, has been renumbered H1465; however, the wording is the same as H2233. H2233 is still in a study committee. Both bills will close records to genealogists. Members were urged to contact their state senators and representatives to ask them not to vote for H2233. Ms. Barnes noted that the hearing on this proposed legislation, held April 3rd, 2003 at the State House, was well attended.

The Council discussed a proposal for an increase in annual membership dues for the first time in 24 years. Treasurer Peter Viles showed a summary of the income and expenses for the last three years. Projections for 2004 are 130 members and expenses of approximately \$1500. The dues increase was unanimously approved. Dues, beginning in 2005, are: \$10 for an individual; \$15 for an organization; \$15 for a family (same mailing address, 1 newsletter sent for both parties, both eligible for seminar discount).

Because of the timing of the 2005 New England Regional Genealogical Consortium (NERGC) conference, a motion was made to change the date of our 2005 annual meeting and conference to later in the year. This was approved by unanimous vote.

Vice-President Sage adjourned the meeting at 9:35. The program, consisting of four talks by Helen Leary, followed the Annual Meeting.

TREASURER'S ANNUAL REPORT

Audited

Balance as of January 1, 2003	\$7,262.42		
<u>2003 Total Income</u>	<u>\$4,149.65</u>	<u>2003 Total Expenses</u>	<u>\$4,840.54</u>
Dues	\$1,431.50	MGC General	\$276.18
Interest	\$23.15	Newsletter	\$906.87
Annual Meeting	\$2,687.50	Legislative	\$259.88
MGC Reprints	\$7.50	Annual Meeting	\$3,312.61
		Org. Support	\$85.00
Balance as of December 31, 2003	\$6,571.53		
Net	(\$690.89)		
Operating Net	(\$65.78)		
Income Net of Annual Meeting	\$1,462.15		
Expenses Net of Annual Meeting	\$1,527.93		

CIVIL RECORDS ANNUAL REPORT

By Shirley Barnes, MGC Director of Civil Records¹

The House Bill numbered H2233² was filed for the present session (2003/2004) by Representative Thomas O'Brien. This is the legislation that we describe as "the Vital Records Bill". It is almost identical to legislation proposed about twenty years ago, which was unacceptable then, and is unacceptable now. Concern for family history researchers, also known as genealogists, is left out almost entirely. This legislation was filed in the past under the number H5858, and has also been refiled in 2003/2004 as H1465 by Representative Daniel Bosley, House Chairman of Government Regulations. Therefore we are monitoring more than one bill with the same goals.

¹ This report was presented to the members at the MGC Annual Meeting on March 27, 2004.

² A complete copy of this legislation may be found <http://www.state.ma.us/legis/house/ht02233.htm>.

SECTION 10³ of H2233 changes Section 2A⁴(1) of the present General Law. It provides for the transfer of birth records through 1910, marriages and deaths through 1950 to the State Archives, and provides that these records shall become public records at that time. However Section 2 says records not in the custody of the Archives are NOT subject to public inspection and copying. This will close birth records from 1911, and marriage and death records from 1951, to public examination! Section 3 restricts access to certified copies of birth and marriage records to relatives of the person being enquired about, and to authorized genealogists.

³ SECTION 10. Chapter 46 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 2A and inserting in place thereof the following section:—
Section 2A. (1) On January 1, 2004, all records and indices pertaining to births through December 31, 1910, any amendments to births filed prior to December 31, 1910, records and indices of marriages and deaths through December 31, 1950, and any amendments to marriages and deaths filed prior to December 31, 1950, shall become public records. All the aforementioned records, indices and amendments of births, marriages, acknowledgments and adjudications of paternity, and deaths shall be transferred from the state registry to the archivist of the commonwealth on the basis of five-year increments, unless the state registrar and the archivist of the commonwealth agree upon a more expedited schedule for transfer.

Prior to transfer, all records, returns and indices shall be automated or reproduced by another method. The state registrar shall implement appropriate preservation protocols to preserve the quality of permanent, paper records to be transferred.

Once vital records, indices and amendments of births, marriages and deaths become public records under this subsection, the custodians of such records may make such records available for public examination upon request notwithstanding any general or special law that would otherwise restrict access.

(2) Vital records, reports, and indices maintained as part of the system of vital records and statistics by custodians other than the archivist of the commonwealth are not public records as defined in clause 26 of section 7 of chapter 4 and are not subject to public inspection and copying under chapter 66, with the exception of those vital records made public records under subsection one. Custodians shall implement appropriate security measures to restrict public examination of vital records and issuance of certified copies consistent with this section, section 13, other requirements of chapter 46, and other requirements of general and special law to deter identity theft and to prevent fraudulent procurement and use of vital records and information.

(3) Custodians other than the archivist of the commonwealth shall restrict issuance of certified copies of birth and marriage records as provided in this section and section 13 of this chapter. Custodians shall, upon receipt and review of a written application, issue a certified copy of a birth or marriage record to only the registrant, his or her spouse, children, parent as named on a birth record, legal guardian, sibling, grandparent, grandchild, executor, authorized legal representative or authorized genealogist designated by one of the aforementioned persons in writing. The custodian may issue a certified copy of a birth or marriage record to any other person who demonstrates to the satisfaction of the custodian that the record is needed for the determination or protection of his or her personal or property right. Those records identified in section 13 of this chapter as requiring a proper judicial order for access shall not be available without such order.

⁴ CHAPTER 46. RETURN AND REGISTRY OF BIRTHS, MARRIAGES AND DEATHS

Chapter 46: Section 2A Disclosure of information about vital statistics; conditions *(cont'd on bottom of page 5)*

Section 2A. Examination of records and returns of children born out of wedlock or abnormal sex births, or fetal deaths, or of the notices of intention of marriage and marriage records in cases where a physician's certificate has been filed under the provisions of section twenty A of chapter two hundred and seven, or those of persons born out of wedlock, or of copies of such records in the department of public health, shall not be permitted except upon proper judicial order, or upon request of a person seeking his own birth or marriage record, or his attorney, parent, guardian, or conservator, or a person whose official duties, in the opinion of the town clerk or the commissioner of public health, as the case may be, entitle him to the information contained therein, nor shall certified copies thereof be furnished except upon such order, or the request of such person. The provisions of this section shall not apply to such records, returns or notices recorded or filed prior to January first, eighteen hundred and forty-one or to such copies thereof.

This bill had a public hearing held on April 3rd 2003 by the Committee on Government Regulations which was well attended by opponents of this legislation. The bill is still in that Committee. A request for an extension of time for reporting it out of Committee was opposed, so it was put into a (working) study committee which may be consulting with Secretary William Galvin and his staff.

The Supervisor of Public Records stated in October in a letter to the Town Clerks Association that this was a very bad bill and should not be supported. [*Editor's Note: This letter was reprinted in our Winter Newsletter, distributed January 2004, page 6.*] Members of the MGC Civil Records Committee had a meeting in 2003 with the head of the Town Clerks Association to discuss our concerns with this legislation. The Clerks Association currently supports passage of H2233.

Our concern now is that there will be an effort to report H2233 out for passage before the Legislature prorogues for the summer, as they tried to do in 2002, or to bring it back for informal session in December, as they also tried to do in 2002. We urge you to contact your state representative and state senator and ask them not to vote for H2233 or for any substitute bill that does not include the same access to records that we have always had and that ignores family history researchers. Bring our numbers to their attention! This is an election year.

“AN ACT RELATIVE TO VITAL RECORDS FEES”

In 2003, Senator Hedlund submitted legislation (S533) prohibiting research fees at the Department of Public Health's vital records department and providing that “fees shall exist only for copies of records.” The bill was referred to the Committee on Health Care which recommended that the bill ought to pass, with an amendment substituting a new draft entitled "An Act Relative to Vital Records Fees" (Senate, No. 2206). [Action dated February 9, 2004]. The revised legislation reads: “SECTION 1. Notwith-standing any other general or special law to the contrary, the fees at the Department of Public Health’s vital records department shall not be greater than those in effect prior to July 1, 2002.”

The result of this bill (S2206) would be to return genealogists’ costs to \$3.00 per research hour at the Massachusetts Registry of Vital Records, and \$6.00 per certified copy of a record.

Let your Representatives and Senators know that you support S2206!

ANNUAL EDUCATIONAL PROGRAM, MARCH 27, 2004

By Sharon Sergeant, MGC Director of Programs



Noted genealogist Helen Leary kept 170 attendees in their seats into the overtime zone with four extraordinary lectures!

- ❶ *Is This the Same Man, or a Different One With the Same Name?*
- ❷ *Time-Lines and Real Lives — Using Ancestor's Life Patterns to Find Their Parents*
- ❸ *Our Ancestors' Voices — Getting the Records To Tell Us Everything They Know*
- ❹ *The Hemings-Jefferson Connection: A Genealogical Evaluation of the Evidence*

Mrs. Leary challenged every attendee to think outside the box, examine the records meticulously, create timelines and verify their analysis. More than 60% of the attendees took the time to tell us exactly what they liked best about their day. While Helen Leary was mentioned in nearly every evaluation, the APG discussion tables, vendors, food and door prize variety all won honorable mention.

Furious note taking consumed the audience during each of Mrs. Leary's lectures, as attendees took full advantage of the notepads and pens at the student table seating.

In the morning breaks, folks rushed to sign up with APG topic luncheon tables, drop their door prize tickets with the vendor whose prize they sought, browse through other vendors, enjoy the continental breakfast and trade research stories with attendees. During lunch and the afternoon lectures and breaks, it was even harder to tear attendees away from one attraction to move on to the next in the schedule. Everyone wanted more of everything!

If you missed the program or would like a refresher, we still have a few of Helen Leary's audiotapes. For those of you who enjoyed the program, and want to make it even better, please join the Program Committee for the MGC 2005 summer event (NERGC will be in the spring).

Contact Sharon Sergeant at 781-209-8861 for details!

Photos courtesy of John Thompson



Some responses to the question "What was the most beneficial aspect of the seminar?"

- Helen Leary's approach to genealogical research suggests being very thorough and to research "outside the box". Helen was terrific!
- The time-line session was a real revelation for research.
- Insight into how to handle data in whole family work.
- Ms Leary's handouts. Very clear and concise, allowing participants to focus on the discussion.
- Meeting other genealogists. The speaker was great.
- Information tables at luncheon – great idea!
- Vendors and lunch table conversations. Really enjoyed Jefferson Hemings.

MOLECULAR GENEALOGY RESEARCH PROJECT

[Editor's Note: Many MGC members have submitted a blood sample and a four-generation pedigree chart to the Molecular Genealogy Project sponsored by Brigham Young University (BYU). This update on the program is compiled from information on the BYU website and a press release on the project issued March 1, 2004.]

The Molecular Genealogy Research Project has moved to the Sorenson Molecular Genealogy Foundation out of concern that the Center for Molecular Genealogy has outgrown the resources of the university. The College of Biology and Agriculture has decided not to continue with this work at BYU. From the beginning, Scott Woodward, the Center's director, has collaborated with the Sorenson Molecular Genealogy Foundation on this project. The College and the Sorenson Molecular Genealogy Foundation are continuing with their policy of strict confidentiality and protection of all collected samples, which are currently stored in a safe and secure environment.

SORENSEN MOLECULAR GENEALOGY FOUNDATION (www.smgf.org)

The Sorenson Molecular Genealogy Foundation is a non-profit research organization with the mission: "To collect DNA samples within a genealogical context for creating the world's most comprehensive correlated genetic and genealogical database. To provide the funding necessary to construct genetic tools from the information contained within the database to be used for the purpose of family history research. And, to maintain the integrity of the database content and to ensure it is used for purposes that will promote peace, compassion, and brotherhood among mankind."

On the foundation's interactive Web site, a person with an ancestry question enters the values from their DNA profile – a genetic test now offered to the public by many laboratories using a cheek swab or mouthwash rinse – into the database's drop-down menus. A graph appears showing each family generation as a data point. Rolling the cursor over a data point displays information such as surnames, dates and places of birth. Only names associated with dates before 1900, which are public domain, are available in order to preserve the privacy of participants who donated their DNA and pedigree charts.

"The purpose of this first release of data is to make tools available to the public that help people look back many generations of paternal ancestry," said Scott Woodward, Chief Scientific Officer at SMGF. This Y-chromosome dataset links surnames, dates and places of birth before the 1900s. It currently contains correlated information from over 5,000 DNA samples of individuals, each of whom submitted ancestry records detailing at least four generations. Associated with the 5,000 DNA samples are over 205,000 individual ancestors. So far, 40,000 DNA samples and associated ancestry records, or pedigrees, have been collected by the foundation. "Our first goal is a database of 100,000 samples and each quarter we will release more," said Woodward.

The foundation encourages individuals who can provide a complete biological pedigree chart of four or more generations to participate in this research. For more information, visit www.smgf.org.

The project is funded by James LeVoy Sorenson, an entrepreneur who is known foremost for devising the first cardio-vascular medical device to monitor the human heart in real-time. Mr. Sorenson's foresight and innovations have spawned a diverse family of successful businesses during his career, allowing him now to turn his attention to making the world a better place in which to live. "I believe that if people know how closely related we are, we will treat each other better," said Sorenson.

CAPE ANN REVOLUTIONARY DATABASE

Reprinted from the *Essex Society of Genealogists Newsletter* for Spring 2004

MGC member Mary Rhineland McCarl of Gloucester is preparing a database on Cape Ann's contribution in the American Revolution. Around the year 1900, John J. Somes, the City Clerk of Gloucester, using town records, prepared a list of everyone who served from Gloucester or in the three harbor forts. This is in two manuscript volumes in Gloucester City Hall. The men who served were from modern Gloucester, Rockport, Manchester, and Essex. In 1937, the WPA made a list of the 1,500 names with abbreviated service records and also prepared a brief list of burials of some of the veterans.

Using these lists as a base and comparing the records to the information in *Massachusetts Soldiers and Sailors* and *Massachusetts Privateers of the Revolution*, Mary is trying to identify the men in the printed *Vital Records* and in Foster's *Soldiers, Sailors, and Patriots – Maine*.

She would appreciate help in untangling cousins with the same name and very close birth dates. There are only too many Allens, Burnhams, Norwoods, and Rows.

The immediate goal is to mount the information on the City of Gloucester website. A further goal is to identify and restore the graves of the Revolutionary veterans, especially those in the First Parish Cemetery. Contact her at 28 Old Nugent Farm Road, Gloucester, MA 01930-3167; or 978-281-5269; or mrmccarl@post.harvard.edu.

ACTIVITIES OF THE BEDFORD HISTORICAL SOCIETY

Edited from an article in *The Preservationist*, the Newsletter of the Bedford (Mass.) Historical Society

The Bedford Historical Society (2 Mudge Way, Bedford, MA 01730) is working on several new publications featuring local history. Sale proceeds are used to add to the Society's Matching Endowment Fund and to support community outreach programs. [*Editor*: If you have ancestors from Bedford, you should be interested in these publications. If you don't have Bedford ancestors, use this as an inspiration for projects for your community.]

- A Brief History of Bedford, taken from the *Communitywide Historic Properties Survey* that was done several years ago, has been edited by Lee Yates and will be published as a paperback pamphlet in the near future.
- A set of two folding maps, with historic and cultural resources noted on them, is also nearing completion. These maps, one of the Historic District and one of the entire town, will be available inexpensively at the Freight House and other locations to help residents, Minutemen Bikeway users, and others find their way to some of Bedford's special places.

Farther back in the pipeline but still targeted for Bedford's 275th celebration⁵ are other products, including:

- Sets of postcards, with the Bedford Flag and historic photographs from the Society's collections:
- Republication of a pamphlet put out in 1909 by the Edison Electric Illuminating Co. containing photographs of Bedford Center, the Depot and Bedford Springs during that era, with accompanying text; and,
- Sets of historic maps of Bedford, from the 1700s to 1906, with those from the mid-1800s on showing the names of most residents.

⁵ For information on the anniversary plans, see http://www.town.Bedford.ma.us/175th_Bedford_anniversary.html.

10 BIG MYTHS ABOUT COPYRIGHT EXPLAINED:

An attempt to answer common myths about copyright seen on the net, and cover issues related to copyright and usenet/internet publication

By Brad Templeton⁶

Note that this is an essay about copyright myths. It assumes you know at least what copyright is -- basically the legal exclusive right of the author of a creative work to control the copying of that work. If you didn't know that, check out my own brief introduction to copyright for more information.

- 1) **"If it doesn't have a copyright notice, it's not copyrighted."** This was true in the past, but today almost all major nations follow the Berne copyright convention. For example, in the USA, almost everything created privately and originally after April 1, 1989 is copyrighted and protected whether it has a notice or not. The default you should assume for other people's works is that they are copyrighted and may not be copied unless you know otherwise... This applies to pictures, too. You may not scan pictures from magazines and post them to the net, and if you come upon something unknown, you shouldn't post that either.
- 2) **"If I don't charge for it, it's not a violation."** False. Whether you charge can affect the damages awarded in court, but that's the main difference under the law. It's still a violation if you give it away -- and there can still be serious damages if you hurt the commercial value of the property... If the work has no commercial value, the violation is mostly technical and is unlikely to result in legal action. Fair use determinations (see below) do sometimes depend on the involvement of money.
- 3) **"If it's posted to Usenet it's in the public domain."** False. Nothing modern is in the public domain anymore unless the owner explicitly puts it in the public domain(*). Explicitly, as in you have a note from the author/owner saying, "I grant this to the public domain." Those exact words or words very much like them... All this assumes the poster had the right to post the item in the first place. If the poster didn't, then all the copies are pirated, and no implied license or theoretical reduction of the copyright can take place...
- 4) **"My posting was just fair use!"** ...The "fair use" exemption to (U.S.) copyright law was created to allow things such as commentary, parody, news reporting, research and education about copyrighted works without the permission of the author. That's important so that copyright law doesn't block your freedom to express your own works -- only the ability to express other people's. Intent, and damage to the commercial value of the work are important considerations. Are you reproducing an article from the New York Times because you needed to in order to criticize the quality of the New York Times, or because you couldn't find time to write your own story, or didn't want your readers to have to register at the New York Times web site? The first is probably fair use, the others probably aren't. Fair use is usually a short excerpt and almost always attributed. (One should not use more of the work than is necessary to make the commentary.) It should not harm the commercial value of the work -- in the sense of people no longer needing to buy it (which is another reason why reproduction of the entire work is a problem)... Facts and ideas can't be copyrighted, but their expression and structure can. You can always write the facts in your own words...

⁶ This article has been edited for space reasons only. Please see Brad Templeton's full article on his website at <http://www.templetons.com>. "Permission is granted to freely print, unmodified, up to 100 copies of the most up to date version of this document from <http://www.templetons.com/brad/copymyths.html>, or to copy it in off-the-net electronic form."

- 5) **"If you don't defend your copyright you lose it."** -- "Somebody has that name copyrighted!" False. Copyright is effectively never lost these days, unless explicitly given away. You also can't "copyright a name" or anything short like that, such as almost all titles. You may be thinking of trademarks, which apply to names, and can be weakened or lost if not defended...
- 6) **"If I make up my own stories, but base them on another work, my new work belongs to me."** False. U.S. Copyright law is quite explicit that the making of what are called "derivative works" -- works based or derived from another copyrighted work -- is the exclusive province of the owner of the original work. This is true even though the making of these new works is a highly creative process. If you write a story using settings or characters from somebody else's work, you need that author's permission...If you want to write a story about Jim Kirk and Mr. Spock, you need Paramount's permission, plain and simple.
- 7) **"They can't get me, defendants in court have powerful rights!"** Copyright law is mostly civil law. If you violate copyright you would usually get sued, not be charged with a crime. "Innocent until proven guilty" is a principle of criminal law, as is "proof beyond a reasonable doubt." Sorry, but in copyright suits, these don't apply the same way or at all. It's mostly which side and set of evidence the judge or jury accepts or believes more, though the rules vary based on the type of infringement. In civil cases you can even be made to testify against your own interests.
- 8) **"Oh, so copyright violation isn't a crime or anything?"** Actually, recently in the USA commercial copyright violation involving more than 10 copies and value over \$2500 was made a felony. So watch out...On the other hand, don't think you're going to get people thrown in jail for posting your E-mail. The courts have much better things to do...
- 9) **"It doesn't hurt anybody -- in fact it's free advertising."** It's up to the owner to decide if they want the free ads or not. If they want them, they will be sure to contact you...
- 10) **"They e-mailed me a copy, so I can post it."** To have a copy is not to have the copyright. All the E-mail you write is copyrighted. However, E-mail is not, unless previously agreed, secret. So you can certainly report on what E-mail you are sent, and reveal what it says. You can even quote parts of it to demonstrate. Frankly, somebody who sues over an ordinary message would almost surely get no damages, because the message has no commercial value, but if you want to stay strictly in the law, you should ask first. On the other hand, don't go nuts if somebody posts E-mail you sent them. If it was an ordinary non-secret personal letter of minimal commercial value with no copyright notice (like 99.9% of all E-mail), you probably won't get any damages if you sue them. Note as well that, the law aside, keeping private correspondence private is a courtesy one should usually honour.
- 11) **"So I can't ever reproduce anything?"** Myth #11 (I didn't want to change the now-famous title of this article) is actually one sometimes generated in response to this list of 10 myths. No, copyright isn't an iron-clad lock on what can be published. Indeed, by many arguments, by providing reward to authors, it encourages them to not just allow, but fund the publication and distribution of works so that they reach far more people than they would if they were free or unprotected -- and unpromoted. However, it must be remembered that copyright has two main purposes, namely the protection of the author's right to obtain commercial benefit from valuable work, and more recently the protection of the author's general right to control how a work is used. While copyright law makes it technically illegal to reproduce almost any new creative work (other than under fair use) without permission, if the work is unregistered and has no real commercial value, it gets very little protection. The author in this case can sue for an injunction against the publication, actual damages from a violation, and possibly court costs. Actual damages means actual money potentially lost by the author due to publication, plus any money gained by the defendant...

EDUCATIONAL OPPORTUNITIES

Essex Society of Genealogists and the Lynnfield Public Library host a “Genealogy Party”
Friday, June 4, 2004: 2:00 to 9:00 PM. The library will be open only to genealogists. This is a great opportunity to share and spread your enthusiasm for genealogy. For more information call the Lynnfield library at 781-334-5411. There will be no charge but pre-registration is a must.

Regional National Archives, 380 Trapelo Road, Waltham, MA

The following beginner level workshops will be offered at NARA. Participants will learn what they need to know in order to locate records as well as what one might expect to find in the records. Behind the scenes tours of the archives will be given at 1:30 before workshops marked with an asterisk (*). The workshop will follow the tour at 2:00 PM. Call (866) 406-2379 to register and for more details. There is no fee. Light refreshments or coffee will be served.

Tuesday, June 1, 2004: 1:30 PM* Beyond the Census: Local History Resources in Federal Records

Wednesday, June 9, 2004: 2:00 PM Genealogical Roundtable: Open Forum for Genealogical Quandaries

Thursday, June 17, 2004: 6:30 PM Military Pension Files (Revolutionary War and Later Files)

Boston States Migrations Family History Fair Weekend

This weekend fair focuses on the resources available to track families migrating between the Canadian Eastern Provinces, New England and New York. Featuring: Sandra Devlin, Atlantic Canada Genealogy Columnist.

Location: Waltham, MA, see website for location each day

Dates: June 11-13, 2004, 10am to 4pm

Website: <http://bostonstates.rootsweb.com>

Registration: \$5.00 individuals, \$15 group/family tables

Boston Public Library, 6:30 pm in the Mezzanine Conference Room

June 23, 2004: “AncestryPlus: an Electronic Resource for Genealogists”, presenter Mary Devine, Boston Public Library, Social Sciences Reference Librarian

Massachusetts Historical Society: “Women/War/Work” Conference

A two-day conference crafted to examine the history of the relationship between the U.S. military and American women in the twentieth century. Alongside the fundamental debate over the exclusion of women from military service, the presentations will also take into account the role of war work in the gradual movement toward women’s permanent position in the workforce – and, conversely, how female labor has challenged and reshaped the American military and American culture generally.

Location: Massachusetts Historical Society, 1154 Boylston St., Boston

Dates: August 20-21, 2004

Website: <http://www.masshist.org>

Registration: \$70, special rate for veterans and active-duty personnel

Federation of Genealogical Societies: *Legends Live Forever: Researching the Past for Future Generations*

Location: Austin Convention Center, Austin, Texas

Dates: Wednesday, September 8th to Saturday, September 11th, 2004

Program: Lecture topics cover: Oral History, Writing Your Family Story, the APG Professional Management Conference, Librarians Serving Genealogists Pre-Conference, Texas and the Southwest U.S., Immigration and Naturalization, Using Social History in Genealogy, Foreign Research, Ethnic and Religious Research, and Society Management.

Website: <http://www.fgs.org>

Registration: \$159 by July 26; \$189 after July 26; meals are additional and range from \$19 to \$25.

Housing: Several area hotels ranging from \$95 to \$115 per night.

Massachusetts Genealogical Council
P.O. Box 5393, Cochituate, MA 01778-5393

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 editor@massgencouncil.org. If you receive a copy of the newsletter with fewer than 12 pages, let us know and we will send it again. Sometimes the newsletters suffer in the mailing process.

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A FAMILY HEIRLOOM?⁷

GLASS BURIAL CASES

Henry H. Barry, of Philadelphia, has for many years interested himself in transparent systems of burial. After conceiving the glass casket, he kept it secret for a long while, until, on October 24th of last year, it was patented.

'What is the advantage of glass for domiciles of the dead?'

'In the first place, one has perfect preservation. Before being placed in the vial the patient is embalmed. I may say that the coffin is devised on the walnut shell principal, in two halves. After my customers are once securely packed in coffins, I apply an exhaust-pump, take out all the air and hermetically seal up the aperture. Then the thing is accomplished. I believe sincerely that the whole business will last through several generations. There is the advantage that no infectious disease can come through the glass. The flesh of the subject will preserve its natural tints, and relatives and friends will be able to view the deceased for years to come.

'As a sanitary reform it is unparalleled,' he went on; 'tenanted coffins can be piled up like any other merchandise anywhere and stay there for years. Some people might prefer to keep relatives in their own houses, nicely put away in the glass coffins. There is nothing objectionable about the idea. When buried in cemeteries, there will be no exhalations whatever, and in case of the removal of graveyard, the coffin can be taken up and carted away with no more offense than would be given by so many kegs of nails.'

⁷ This article was published in *The Marietta Journal*, Issue of Thursday Morning, March 29, 1888, page 1. [This was posted on the GA-CEMETERIES Mailing list.]