

SENATE...No. 98.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT.

COUNCIL CHAMBER, February 12, 1853.

To the President of the Senate :

SIR:—By a resolve of the last legislature, six hundred copies of the Indexes of the General Court Records, up to the time of the adoption of the Constitution, were ordered to be printed for distribution; the said printing to be done under the direction and supervision of the then Clerk of the Senate, Francis H. Underwood, Esq.

By a recent communication of Mr. Underwood, to the governor and council, it appears that some farther action upon this subject on the part of the legislature, is required. A committee of the executive council, to whom Mr. Underwood's communication was referred, have reported that they find "that the old indexes which were ordered to be printed are quite imperfect; and the arrangement far from being clear or intelligible. From an examination of the work of preparing a new index, which Mr. Underwood has commenced, so far as it has progressed,

they fully approve the plan thereof, and deem its execution highly desirable. But they cannot avoid a doubt whether a strict construction of the resolve authorizes anything beyond the printing of the old indexes, which, for the reasons stated, would be an idle and useless expense."

The committee suggest as an additional reason for further legislation upon this subject, that the resolve itself, if it is to be so construed as to authorize Mr. Underwood to take into his custody these records, which the execution of the work renders indispensable, is in conflict with that provision of the constitution, by virtue of which the Secretary of the Commonwealth is intrusted with the care and custody of the public records, and is made responsible for their safe keeping.

With a view to remedying these difficulties upon a matter of great public interest, I respectfully recommend that the preparation of a suitable index be authorized, to be executed by Mr. Underwood, whose capacity and qualifications for the work are fully exhibited in the portion of it already accomplished; and that it be done under the supervision of the Secretary of the Commonwealth, who, by the appointment of the clerk, whose assistance is indispensable, from his office, will retain the custody of the records as required by the constitution. It would also seem to be proper that the *per diem* compensation of Mr. Underwood and the clerk, should be fixed by the legislature, or that the executive should be authorized to determine it; the existing resolve having apparently had reference to a less expensive work. An inspection of the early volumes of these records, so valuable to the Commonwealth as a portion of its history at a most interesting period, suggests the importance of some prompt measures for their preservation. The first two volumes, especially, from their great age, their frequent inspection, and the corrosion of the paper by the ink which was used by the recording officers, are in such a state of dilapidation and decay as to be in many places totally illegible. There are duplicate copies of them in the State library, by reference to which the obliterated portions of the originals may now be supplied—but the authenticity and accuracy of the copies may hereafter be drawn in question, when it will be impossible to verify them by a comparison with the originals. I therefore

respectfully recommend, that the first two volumes of these records be printed, and that the executive be authorized to cause the same to be done by some competent person, under the supervision of the Secretary of the Commonwealth.

JOHN H. CLIFFORD.

Commonwealth of Massachusetts.

IN SENATE, April 2, 1853.

The Joint Committee on the Library, to whom was committed the message of his excellency the governor, concerning the printing and custody of the general court records previous to the adoption of the constitution, have considered the same, and report the accompanying resolves.

E. H. KELLOGG, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-Three.

RESOLVES

Concerning the Preparing and Printing the Indexes of the
General Court Records.

Resolved, That the person employed under the resolve passed the thirteenth day of May, eighteen hundred and fifty-two, entitled a "Resolve in relation to the General Court Records," be authorized to prepare and print suitable indexes to the said records; that the compensation of said person shall be four dollars for each day's work; that such work shall be done under the supervision of the Secretary of the Commonwealth, who shall appoint an assistant clerk, if in his opinion it be necessary, whose compensation shall be determined by the governor and council.

Resolved, That the governor of the Commonwealth cause copies of the first two volumes of the General Court Records to be printed; that said printing be done under the supervision of the Secretary of the Commonwealth, who may appoint some suitable person to prepare said volumes for printing, and take charge of the same, and the compensation of such person shall be determined by the governor and council.

COMMUNICATIONS TO THE EDITOR

Dear Sir,

THE EDITOR

Enclosed are the papers and letters of the late...

It is to be regretted that the papers deposited with me...

I have the pleasure to inform you that the...