
Commonwealth of Massachusetts.

Secretary's Office, Jan. 4, 1827.

In obedience to an order of the Senate and House of Representatives, of the 20th of June last, the Secretary of the Commonwealth has caused to be prepared, under his immediate inspection, by a gentleman of experience in such employments, a Schedule of "Acts, Records, Documents, and Books, in his Office, describing the subject of each, its date, and the place where it is to be found," as particularly as was thought necessary, or as time would allow. This Schedule he has now the honour to submit.

In executing the duty assigned to him, the Secretary has endeavoured to fulfil the intentions of the Legislature, expressed in the Report of their Committee, and explained to him by the Committee themselves. It is manifest that a list of *all* the papers in the office, with the title, date, and subject of *each*, would require many volumes to contain it, and a great length of time for its preparation. This probably, was not expected, and even if it was practicable, does not seem important to effect the objects of the examination, as detailed in the Report. The Secretary understood that he was to

exercise, in some degree, his own discretion, in forming the list, and to give such a view of the state of the Documents, as would enable the Legislature to provide for their more exact arrangement in future, if their present condition should not be satisfactory. He has therefore, enumerated the different files of Bills and Resolutions, and the papers accompanying them, with their date and place of deposit. The same course he has pursued with bundles of miscellaneous papers, stating particularly, the subject matter of the files, and describing distinctly all *separate* Documents, Records, Plans, Books, &c. Where they were found misplaced, they have been restored to their proper places, and papers of *similar* character heretofore deposited in *different* parts of the Office, have been brought together. In the course of this arrangement, the relative position of a considerable portion of the Documents has been changed. Although not expressly enjoined by the terms of the Order, this seemed necessary to form an accurate Catalogue, and will save trouble in any future arrangement. Many of the files have been also newly covered and superscribed.

It was understood from the Committee that it was a principal object to obtain a correct List, *by their titles*, of such of the Colonial and Provincial laws, as actually exist in the State Archives, there being no complete copy of the laws, either in print or manuscript, *previous to the adoption of the State Constitution*, and a large proportion of the original

Acts having been lost or destroyed. This part of the Schedule has not been extended beyond the period referred to, (1780,) not only because it would be swelled to an inconvenient size, but because a complete list of all acts, since that period, already exists in the pamphlets, containing the semi-annual publications of the laws, which have been periodically distributed among the several Towns and members of the Legislature; and nearly a perfect list, as far down as 1822, is found in the Revised edition of the Statutes, prepared with great labour, by Commissioners appointed for that purpose. It having been intimated, however, that this edition did not contain as accurate a catalogue of the laws as it purported to do, the Secretary deemed it necessary that a careful and thorough comparison should be made, of the Acts therein recited with those on file. This comparison, which necessarily occupied considerable time, shows that the Edition of 1822 does in fact embrace a true and complete list of all the Acts, excepting the Tax Acts, (which have never been included in any edition) and *one* other Act, "concerning Theatrical Entertainments," passed March 27, 1793. It should be observed that the Acts are not arranged in those volumes, exactly according to their date, for reasons given by the Commissioners in their preface. It appears that *two* Acts are missing from file, although published in the Revised Edition. They are mentioned in the Schedule.

In preparing the Schedule of Acts previous to Nov. 28, 1780, (the date of the first Act under the

Constitution) the Secretary caused each one to be unrolled, its title exactly copied, its date designated, and the originals placed in complete order. They were previously in imperfect order, and, in many instances, incorrectly marked on the outside. In this Schedule they have been divided into two classes, *Public* and *Private* Acts, and, under these heads are arranged by their titles according to their dates. It is obvious that a considerable number of the original Colonial and Provincial Acts are lost, particularly among those of early dates. Those which remain constitute a long catalogue, and perhaps of an inconvenient size to be printed. Pains have been taken to condense it as much as possible; and for this reason, as well as for want of time, it was not thought proper to attempt a methodical arrangement of the Acts, according to their subject matter, but only according to their dates, under the general heads already mentioned. Should a digest of the kind suggested be deemed advisable, the List now submitted will furnish materials, without recurring to the originals. It may be further remarked, that, intermixed with the earlier Acts, were found many engrossed bills which appear to have passed only a part of the stages necessary to their enactment, and not finally to have become laws; these have been separated and placed by themselves. It would seem that they can be of no use, unless as objects of curiosity, or materials for history. There were also found, under date of 1687 '88, seven original Acts of the Province of

New York, signed by *Thomas Dongan*, Governor of that Province, and which ought, perhaps, to be in the archives of our sister State. Their present situation is probably to be accounted for by the fact that, very soon after their enactment, Massachusetts and New York were placed under the administration of the same Governor (*Sir Edmund Andros*) and the public papers of both Governments coming into his hands, some of them were accidentally intermixed. These Acts do not appear to be of public importance.

Previous to 1775, the Acts of Incorporation of Counties and Towns were kept on files distinct from other Acts. Since that time they have not been kept separately, but are to be found on the *general files*, according to their date. The Secretary did not think himself authorized to disturb this arrangement. He has, therefore presented in another part of the Schedule the titles of these Acts previous to 1775, and consequently, they are omitted in the General Catalogue. The Tax Acts, since Jan. 27, 1777 also form a *separate* List, because they have not hitherto been published either in the periodical pamphlets or the revised editions, and, since the date last mentioned, have been placed on distinct files, whereas, before that time, they were filed with the other Laws, and are therefore included in the same Schedule with them.

The volumes containing the Records of the General Court have been numbered anew, and a Schedule of them is presented. The condition of the

Records was fully explained in a Report of the Secretary, April 17, 1821. They have been again examined, and their condition does not materially differ from the description then given of them. Two or three of the first volumes are incomplete. Afterwards, with two exceptions, the series is regular. Volume No. 3 containing copies of papers from 1644 to 1654, is not a regular record, but composed of transcripts of public documents. From 1686 to 1689, (the period of *Sir Edmund Andros's* government) the Records, and most of the Files are missing, having, it is supposed, been taken away by that Governor's orders. From 1737 to 1743, there is an imperfect Record in *one* volume only, (No. 17,) and that evidently not an original; and for 1744 and 1745, there are no records. Most of the papers and records from 1737 to 1745, inclusive, were destroyed by fire, and the single volume remaining seems to be composed of copies of some of the papers which escaped the conflagration. Duplicates of all the Records, from the earliest date to February, 1777, are in the lobby of the Senate Chamber, with the exceptions, that the few first pages of volume No. 1, containing a schedule of property of the original company, are not copied, and that there are no copies of volumes 3 and 17, which are not regular records, nor of volumes 31, 32, 66 and 67, which contain Journals and Proceedings of the Provincial Congress in 1774 and 1775. Since 1777 there are no duplicates, and, as was stated by the Secretary in 1821, the progress

towards completing them must be slow, for the time of the Clerks is almost constantly employed in the ordinary business of the office. Whenever there is an intermission, it is improved for the purpose of continuing the duplicates.

For want of room in the Secretary's office, it has been necessary to occupy *three* upper apartments in the State House with books and papers. Here have been deposited such papers as were of least importance, or not often referred to; and here, also, are kept most of the Laws, Reports, and other books intended for distribution among the towns, members of the Legislature, and public officers. The documents in these rooms were in disorder, and it is understood that many of them remained in the same state in which they were removed from the Old State House to the New, when this building was first occupied. A portion of them is apparently worthless, and deposited in old trunks and boxes. It was not thought expedient to spend so much time as would be necessary to reduce them to order; but the papers relating to the State Valuations, and a large part of the Rolls and Returns of the old French Wars, and of the Revolutionary Army, were considered important enough to be methodically arranged; and this has, accordingly been done, by collecting the loose papers into bundles, arranging them according to date, marking and numbering them, and including them in the Schedule.

Understanding from the Committee who reported the order under which he acts, that it was desirable to have an Account of the printed Books and Pamphlets which are on hand, the Secretary has had them arranged and carefully enumerated, the exact number of each kind being named. It should be observed, however, that their number is fluctuating, as they are in a course of publication and distribution. Those of oldest date are now seldom called for, and generally lie useless, taking up much room to little purpose.

The better to carry into effect the object of the Legislature in ascertaining precisely the location of the several Acts and Documents, all the cases and drawers in the office have been numbered, and the numbers marked thereon. In the accompanying Schedule, the part of the office, the number of the case or drawer, and the shelf, where each book, file, or distinct paper may be found, are designated.

It is believed, that the Books and Documents are now in better order than they have usually been, yet there is no doubt that a careful inspection would shew that some papers are still misplaced. This is the unavoidable consequence of the frequent examination of the files by individuals, and, particularly, during the sessions of the Legislature, by committees, members, and others interested in the business of the Legislative body. In this way papers are often deranged from their proper order, and it is impossible to prevent it, with-

out a constant personal attention, which cannot be spared from other official engagements. Into such a mass of papers as exists in this department, some confusion will creep in the lapse of years, which can only be rectified by an occasional examination.

The Secretary has given to this work, during its progress, as constant a superintendance and revision as his other duties permitted, and although he will not pledge himself that the Schedule herewith submitted has no errors, he is satisfied that it is substantially correct.

EDWARD D. BANGS, *Secretary.*

In Senate, January 5, 1827. Read and sent down.

Attest, PAUL WILLARD, *Clerk.*

House of Representatives, January 5, 1827.—
Committed to the Committee of last session, who reported the order under which the Schedule is returned. Sent up for concurrence.

WILLIAM C. JARVIS, *Speaker.*

In Senate, January 6, 1827.—Concurred.

JOHN MILLS, *President.*

In Senate, January 13, 1827. Ordered to be printed.

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