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Dale H. Freeman

University of Massachusetts Boston, dhfreeman321@yahoo.com

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Preservation of the Records of The Massachusetts Bay Company



Part 1: Nathaniel Shurtleff, 1853

Part 2: Record Preservation, 1630

By Dale H. Freeman

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I. Nathaniel B. Shurtleff and the Records, 1853

By the mid-1800s, the original manuscripts of the Massachusetts Bay Company, dating from 1628-1686, were becoming seriously worn and illegible due to constant use by scholars. Although cared for with a growing reverence, perhaps due in part to Boston's 200th anniversary in 1830, the Commonwealth knew it had to do something before the original records were lost for good. It would soon act to have the original manuscripts published. The American Antiquarian Society had begun a similar printing project involving the early part of the records. Although never published, work began on a printed version in 1850, and the American Antiquarian Society's work would contain, "the original spelling, with illustrative notes, and with a very valuable introductory essay by Mr. S. F. Haven, to whose care the whole work had been intrusted by the Society."¹ Haven's work on the records would prove vital to the Commonwealth's publishing efforts. In the North American Review, it was noted that Haven, "after clearing up much which had been very obscure about the overlapping of the lines of patents, and the rights of successive companies, he traces, in some detail, as far as is possible, the lives of the several persons, nearly

¹North American Review 79 (1854): p. 53.

one hundred, who formed the original Massachusetts Company, under whose auspices the State of Massachusetts began to be."²

Not long after the American Antiquarian Society's project was started, on May 2d, 1853, the Legislature of Massachusetts passed a resolve based on the recommendation of Governor John H. Clifford that The Records of the Governor and Company of the Massachusetts Bay in New England should be printed by the State. The resolve stated, "that said printing be done under the supervision of the secretary of the Commonwealth, who may appoint some suitable person to prepare the said volumes for printing, and take charge of the same, and the compensation of such person shall be determined by the governor and council."³ In addressing the Legislature a few months before, Governor Clifford had remarked that the records, "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."⁴ Governor Clifford appointed the Secretary of State, Ephraim M. Wright to the position of superintendent of the project and it was Wright, who sought out Dr. Nathaniel B. Shurtleff as editor. Shurtleff, a former Harvard graduate, member and office holder of the Massachusetts Historical Society, had a well-known antiquarian reputation in Boston. After his meticulous editing

²Ibid.

³General Laws & Resolves of Massachusetts. (Boston: William White Printers, 1853), p. 51.

⁴Nathaniel B. Shurtleff, ed. , The Records of the Governor and Company of the Massachusetts Bay in New England. Vols. I-V. (Boston: William White Printers, 1853), p. vi.

work on the records had been completed, Shurtleff had been described as, “certainly the most fit person, from the union of various essential qualifications, to carry it out promptly and thoroughly.”⁵ Shurtleff started and finished the work within the same year, and the following year, in the North American Review, his work received praise, noting that, “it was begun at once, and, with an expedition very unusual in such affairs, was completed before the end of the year,” and, “as we examine it, to speak of the singular accuracy and beauty with which it is printed.”⁶ The result of Shurtleff’s work was five volumes covering the period from 1628 to 1686. Volume I, covered 1628-1641; Vol. II, 1642-1649; Vol. III, 1644-1657; Vol. IV, 1650-1674; and Vol. V, 1674-1686.

The originals, consisting of five manuscript folio volumes, presented several problems for Shurtleff. Portions of the manuscript were lost, not dated, decayed, and barely legible. Of his editing work, Shurtleff wrote, “besides the decayed condition of the paper, the chirography is very difficult for readers unaccustomed to the style peculiar to the age when the record were written.”⁷ The passing of time was not the only cause of the illegibility of the records, as Shurtleff remarked, “the first Secretary, Mr. John Washborne, was a very bad penman; and, fortunately, although he was engaged to act in his capacity of scribe for one whole year, he was superseded in the office, in about nine weeks, by Mr. William Burgis, who by a free election, was chosen over him for the year

⁵North American Review , Ibid.

⁶Ibid.

⁷Shurtleff, ed., The Records of the Governor and Company. p. vi.

ensuing."⁸ Within the introduction to the published volumes, Shurtleff refers to most of the records being written by many different persons, but mainly by Secretary Rawson, whose, "entries are far from being what they should have been,"⁹ and the fact that modern hands played a part in writing in the margins in rather poor attempts to make the older marginal writings more legible. Other secretarial problems left Shurtleff to comment, "to most readers the style of penmanship of Secretaries Bradstreet and Nowell would be extremely forbidding; but to one familiar with their peculiar styles, which they carried out with great exactness, the chirography is far from being disagreeable," in addition he recorded that, "the greatest fault of Mr. Nowell was in dropping letters, using superior letters for contractions, and in repeating words, and sometimes whole sentences; many instances of which will be observed by the reader of the printed records."¹⁰

Shurtleff also had found that the earliest manuscripts from 1628-1630, written prior to the Massachusetts Bay Company's departure for New England, had been rebound sometime previously and had been trimmed too closely, cutting parts of the written pages away. He discovered that pieces of the manuscripts were severely worn and partly missing. As for the second manuscript volume, beginning in 1642, and ending in the close of the year 1649, Shurtleff noted, "the first eighteen pages of what remains are very much worn

⁸Ibid.

⁹Ibid., p. vii.

¹⁰Ibid.

and decayed, and are for the most part scarcely legible; but by the aid of a transcript of the volume, made more than a century ago, when it was in somewhat better condition, and by a duplicate leaf in the handwriting of Secretary Nowell, who wrote the volume, the decayed portions have been very nearly ascertained and restored in the printed copy.”¹¹

Shurtleff's work is clearly remarkable, given the accuracy and the short amount of time in which the records were prepared for printing. The only criticism of Shurtleff's work appeared later in Publications of the Colonial Society of Massachusetts regarding second issues of Volumes I and II, when Shurtleff added recently discovered material. It noted, “to introduce the newly-discovered material, Dr. Shurtleff caused the stereotyped plates of [the volumes] I. and II. to be changed, but without giving any notice on the title pages that any alterations had been made.”¹² Yet, Shurtleff's work was still remarkable. He meticulously compared each word of the printed copy with the original manuscript while leaving little room for error. He kept the original spellings as they had always existed, reflecting each secretary's unique style of writing. He added clear marginal notes, while introducing an understanding of the Julian calendar; as the company's legal year began on March 25, Conception Day; he wrote of how he numbered and dated pages, and presented a very helpful key to making sense out of marks and contractions which were used consistently by the

¹¹Ibid., p. vi.

¹² Publications of The Colonial Society of Massachusetts, Vol. 3: Transactions 1895-1897. (Boston: Published by the Society, 1900), p. 104.

company's secretaries. In addition to the general indexes at the end of the volumes, lists of people taking the oath of freemen were later added by Francis H. Underwood.

II. Records Preservation in 1630

The necessity for preservation was very clear to the Commonwealth in 1853. In 1630 however, the necessity for records preservation did not immediately transplant itself from England with the arrival of the Governor John Winthrop and the Massachusetts Bay Company in New England. This need for preservation of records and the types of records, would grow and change, as did the company and settlement themselves.

Established when it obtained a Royal Charter on March 4, 1628 from Charles I, the Massachusetts Bay Company began to record business transactions of the company settling in New England. The pre-1630 records contain much administrative and inventory taking information. The early records mostly encompass inventories of supplies such as, clothing, nails, bricks, foodstuffs, and arms destined for New England. Materials to outfit the ships dominate many of the records, and debts to be paid, or money taken in was recorded in detail. The establishment of officers for the company had been initiated on receiving the Charter and consisted of the Governor, Deputy Governor, and eighteen assistants. These positions were recorded at the meetings of the General Court, as the organization became to be known, and listed the names of all office

holders present for each meeting. On March 9, 1628, the important position of Secretary was appointed. The records noted,

this day John Washborne is intertayned for Secretary for one whole yeere, to enter the Courts, to keepe the Companys accounts, to maake warents for all moneys to bee browght in or payd out, and to geeve nottice at every meeting of such as are backward in payment of there subscriptions, as also for all provisions to bee made reddey to call uppon such as have ye chargde thereof, whereby shippes nowe bound for Newe England may bee dispatched by the 25 of this month.¹³

The stockholders of the company would now meet four times a year, and it would be at the spring meeting that the elections of the Governor, Deputy Governor, and the eighteen assistants would take place. John Winthrop, with his vision of a Puritan Utopia in New England, was elected to the position of Governor of the company in London, then soon following, based on a majority vote of the company, moved the location of the company from London to New England. Winthrop, filled with aspirations of his "Citty uppon a Hill," then assumed the Governorship of the Colony on June 12, 1630 at Salem, Massachusetts.

The transfer of the company headquarters from London to New England in 1630 would quickly expand the range of what records would be kept. Growing emphasis would be put upon property, legal and vital records of the Colony. As this new land was divided being either sold or granted, the

¹³Records of the Governor and Company. Vol. 1, p. 31.

importance of recording just what was available was needed. In April of 1634, the General Court ordered, "a surveying of the howses backside, corne feildes, moweing ground, & other lands, improved, or inclosed, or graunted by speciall order of ye Court, of every ffree inhabitant there, & shall enter the same in a booke, (fairely written in words att lenght, & not in ffigures,) with the several bounds & quantities, by the nearest estimation, & shall deliver a transcript thereof into the Court."¹⁴

The authority of the governing power of the General Court was put into writing on May 14, 1634. It was recorded that, "none but the General Court hath the power to make and establishe lawes, nor to elect and appoynt officers, [listing them] or to remove such upon misdemeanor, as also to sett out the dutyes and powers of the said officers."¹⁵ Also that, "none but the Generall Court hath power to rayse moneyes & taxes, & to dispose of lands, viz., to give and confirme propertyes."¹⁶

The need for property, legal and vital records grew rapidly as the settlement did. Property that exchanged hands needed to be recorded, and in August of 1637, it was noted, "that some course bee taken to cause men to record their lands, or to fine them that neglect."¹⁷ Two years later, again the recording of property was commented on in more detail, "to record all mens houses &

¹⁴Ibid., p. 116.

¹⁵Ibid., p.117.

¹⁶Ibid.

¹⁷Ibid., p. 201.

lands, being certified under the hands of the men of every towne, deputed for the ordering of their affaires."¹⁸ The need to keep an administrative record of the surrounding area's property transactions was noted in 1640, with the appointment of a Recorder in the Court of Salem to, "enter all sales, etc., of all lands, etc., within the jurisdiction of that Court."¹⁹ In the same year a Recorder was appointed in Salem, one was also appointed in Ipswich, and it was noted that all, "such entryes shalbee certified to the recorder at Boston within 6 months yearely."²⁰ Clearly in ten years, there was a slow spreading out of some of the responsibility of the recording, if not encompassing very small governing abilities, into the hands of local magistrates. Several magistrates were appointed for area towns. Fees were also being collected for transactions of recording deeds of roughly two pence.

By 1657, the Recorders of the counties were "injoynd by law" to record all wills and inventories, mortgages, and sales of houses and land. Besides these property transactions, and as more and more legal judgments were made in the settlement, the concern for keeping legal judgments written down appeared in September of 1639 stating, "whereas many judgements have bene given in or Courts, whereof no records are kept of the evidence & reasons whereupon the verdict & judgement did passe, the records whereof being duely entered & kept would bee of good use for president to posterity, & a releife to such as shall

¹⁸Ibid., p. 276.

¹⁹Ibid., p. 306.

²⁰Ibid., p. 307.

have just cause to have their causes reheard & reviewed, it is therefore by this Court ordered & decreed that henceforward every judgement, with all the evidence, bee recorded in a book, to bee kept to posterity."²¹

Reference to recording legal records was again noted in 1651, when power was given to several Commissioners to hear all civil cases under ten pounds. It was further noted that the Commissioners would have the authority to appoint their own town clerks of writ who would, "keepe a booke of records for the entry of all causes, evidences, testimonyes, sentences, & judgements, as the law provides in like cases."²² Fees and fines were also noted and were established on a varied scale.

The most evident concern with records preservation throughout the Records of the Massachusetts Bay, are distinctly with the vital records. Perhaps such detailed attention had to do with more of a concern with property and inheritance, as archivist Mark Duffy wrote: "even the earliest century of birth and death records depended on a voluntary system of reporting to the town's clerk of writs, and they were, therefore, likely to document primarily those citizens who were interested in securing the proper devolution of inheritance."²³ First noted in 1639, and again in 1642, the concern for keeping vital records was obviously important to the General Court. The town clerks were to take

²¹Ibid., p. 275

²²Ibid., Vol. 3, p. 245.

²³City of Boston, Municipal Archives and Records Project. State of the City's Records: A Report on the Status and Condition of the Public Archives and Records of the City of Boston, by Mark J. Duffy. Public Facilities Department, 1987, p. 5.

"especially care" to record all births, deaths and marriages, as these records were, "much neglected in townes."²⁴ Perhaps the voluntary nature of these vital records coaxed the General Court to begin to fine such violators. Not only did the violators get fined, but interestingly, the Recorder would as well.

For failure to deliver yearly records to the Court of where they lived along with, "so many pence as there are births and deaths recorded...this under the penalty of 20 shillings for every neglect"²⁵ It was also stated that if the Recorder had not kept up his work of tracking vital statistics, he was ordered by the Court to do "his utmost indeavor" to find who in the past, had been born and who had died. Marriages, performed by clergy or magistrates, were to be reported to the Recorder with the couple's name, the date and the area where they lived. Certainly to his own economic advantage, the Recorder was to, "faithfully & carefully inrolle such births, deaths, & marriages as shall thus bee committed to their trust."²⁶ In 1643, a paragraph appears regarding financial penalties, or more serious penalties for any person not complying with the original 1639 order. It read:

if any person shall neglect to bring in a note, or certificate, as aforesaid, together with three pence a name, to the said clark of the writs, to be recorded above one month after such birth, death, or marriage, hee shall then pay sixepence to the said clark; if he neglect two months, twelve pence; if

²⁴Records of the Governor and Company. Vol. 2, p. 15.

²⁵Ibid., Vol. 2, p. 15.

²⁶Ibid.

three months, five shillings; which forfeits shalbee
returned into the treasury.²⁷

In 1657, the last noted concern within the volumes for vital records is mentioned, but this time with less patience for any offenders of the original order, “and in case any shall refuse to satisfy him [the clerk], he shall then retourne the names of such person or persons to the next magistrate or commissioners of the toune where such person dwell, who shall send for the party so refusing, and in case he shall persist therein, shall give order to the counstable to levy the same.”²⁸ The system of keeping accurate vital records must have been working efficiently after such economic actions were pronounced together with the help of the constables, as there is no other specific mention of the keeping of vital records in the volumes.

The manner in which all these accumulating records were to be stored was addressed in a quite detailed and interesting description in November of 1647. It read, “to ye end all records, wills, births, letters, & other instruments which are of special & publike concernment, may be safely preserved & improved for ye good of present & succeeding ages, it is ordered by ye Court, & ye authority thereof,” and continued, “that forewith therebe, by direction of ye auditor general, a strong presse made of very firme oake planks, with rabit joyntes one into another, about 6 foote high, 5 foote long, 3 foote broad, from out to out, well bound, with 3 strong locks, of severall workes, ye keys whereof to

²⁷Ibid., p. 59.

²⁸Ibid., Vol. 4, p. 290.

remaine in ye hand of ye Governor (one), ye Secretary (one), ye Recorder (one)."²⁹ One year later, in 1648, the books to be used by the Secretary and Clerk of Deputies, was also described in similar detail noting that, "theire shalbe provided by the auditor generall fower large paper booke, in folio, bound up with vellam and pastboard, agaynst the next Court of Elections, when the officers are to begin theire duties, & theire recompence to be payd accordingly."³⁰

The Secretary and Clerk would enter all bills, orders, laws, petitions into these books and that copies would be made, kept on file, or interestingly enough, "otherwise disposed of."³¹ Here, interestingly enough, is noted the only reference to "disposal" of records in the records. The positions of Secretary and Clerk were positions that eventually required oaths. In 1672, clerks were called to declare a copy transcribed as "true cobby" upon their oathes. In 1674, two years later, Court clerks were to swear by "the everliving God," and to, "faithfully keepe and preserve the said records, deliver executions, decrees, or orders to persons concerned, as in duty yow ought, and true copies of such records give forth when regularly called so to doe; and in all things yow shall be faithfull and true to the Court. So help yow God."³²

After the 1650s, there continued a growing concern for the safe keeping and legibility of previous recorded information. For example, in 1653 the

²⁹Ibid., Vol. 2, p. 208.

³⁰Ibid., Vol. 3, p. 142.

³¹Ibid.

³²Ibid., Vol 5, p. 3.

Secretary was made responsible for, "taking care that the old booke of records shall be fairely written out, for which he shall have satisfaction by the page, as the Court allowes."³³ Again in 1672, such a note is made with reference to recording in a legible hand, and copies made besides the original that "in case of fier or other accidents the country may not suffer so great a damage as the losse of their records would be."³⁴ Another entry, much to the same concern, was recorded in 1684. It focused on the importance of General Court's communication with William III. "That all records of this Court relating to his majesty & our affaires in England be carefully kept and preserved, it is ordered, that all letters that, from time to time, have been received from his majesty, or from any of his secretarys, together with the answers returned by this Court, be all carefully revised, from the beginning of these plantations to this day, and fairely entered in a booke entirely be themselves, and that for the future the same order be observed."³⁵

One particular entry in 1652 worth mentioning was the punishment for damaging any record. It is a unique notation in the volumes, reflecting the seriousness of working against records preservation. It read that, "if any persons, repaying to any public officer of this jurisdiction to view any record or writing committed to his charge, shall wittingly & willingly deface or rend any such record or writing, uppon complainte of such officer to any magistrate, and

³³Ibid., Vol. 4, p. 180.

³⁴Ibid., p. 509.

³⁵Ibid., Vol. 5, p. 454.

proof by oath of the said officer, every person so offending shall forfeite to the party concerned therein treble the damage that might have ensued or accrued to him or them thereby, and shall also be fined as much to the country," and if that was not enough, they would, "suffer two months imprisonment, without baile or maine prize, or stand in the pillory two howers in Boston markett place, with a paper over his heade, in capital letters, A Defacer of Records, the speciall or particular punishment to be determined by the next County Court where the offence was committed."³⁶ From an historian's perspective, a suitable punishment, whether in the 17th or present century!

In conclusion, these citations from The Records of the Governor and Company of Massachusetts Bay in New England demonstrate the growing necessity of the company to develop and maintain accurate, legible, and lasting records as the Colonies of New England grew. Such concern with the written word, and in particular, a clear dedication to detail, goes hand in hand with the literate society that founded Boston in 1630.

The records, today, are an impressive chronicle of the new colony as well, but as we have noted, they were fading fast by the mid-1800s and were in severe disorder. It is tragic to think that these records could have been lost forever. Dr. Shurtleff, through his painstaking work, made chronological sense out of the records and clearly saved them from unintentional, but inevitable destruction. It is safe to say, that the records do reveal a more intimate look at the leaders of the

³⁶Ibid., p. 79.

Massachusetts Bay Company, who learned as time progressed, much like their mid-19th century counterparts, the unequivocal value of preserving these vital records for future reference, and thankfully, for us researchers and posterity.