

A Chronology of
Some Laws related to
the Preservation of Public Records

1641: Body of Liberties [Massachusetts Bay Colony: being a list of 98 Liberties]

Libertie 48: Every inhabitant of the Country shall have free libertie to search and viewe the Roolles, Records, or Registers of any court or office except the Councell and have a transcript or exemplification thereof written and signed by the hand of the officer of the office paying the appointed fees therefore.¹

March 16, 1679 [Province of New Hampshire: these were the first laws of the Province which had just been established as separate from Massachusetts Bay; these laws included 15 Capital laws, and then several Criminal laws]

Chapter 14 [of Criminal Laws]: keepers of public records who willfully imbezil or make away with any record, or falsify or deface them, shall lose his office and be burnt in the face or fined [paraphrased].²

1697: gathering all provincial records pre-dating Usher's arrival as Governor.³

1701: A case of falsely recorded (i.e., inaccurately recorded) record of a commission by Secretary Sampson Sheafe was ordered corrected by the Council.⁴

April 3, 1747: Safety of public records. In the case of attack or any extraordinary occasion, the Committee for the Care of Records may move the records to a safer place.⁵

1762: House of Representatives discussed a fire-proof building for public records.⁶

1773. House of Representatives discussed the custody of provincial records.⁷

October 31, 1783: Adoption of present state Constitution of the State of New Hampshire which includes:

Part Second (Form of Government), Articles 67-70 (Secretary of State is the keeper of public records).

1816: State papers (privately printed) subscribed for⁸

1850: Ancient records & files loaned to the New Hampshire Historical Society.⁹

¹ Laws of New Hampshire, volume 1, page 757.

² Laws of New Hampshire, volume 1, page 19.

³ Laws of New Hampshire, vol. 1, page 588.

⁴ Laws of New Hampshire, vol. 1, page 700.

⁵ Laws of New Hampshire, vol. 2, page ?.

⁶ Index to the House of Representatives Journals.

⁷ Index to the House of Representatives Journals.

⁸ Index to the Laws of New Hampshire, 1670-1883.

⁹ Index to the Laws of New Hampshire, 1679-1883.

1879, Chapter 69. Joint Resolution appropriating \$200 for the care and preservation of old records of the state in the offices of the Secretary, Treasurer and Adjutant General, and to be expended by the Governor.¹⁰

1881, Chapter 19. Authorizing clerks of court, and registrars of deeds and probates to copy faded and illegible records into books prepared for the purpose under the supervision of the County Commissioners.¹¹

1885, Chapter 59. Amends Chapter 19 of 1881 to include town and city clerks, to copy faded, illegible, damaged or mutilated (by fire or otherwise) records.¹²

1885, Chapter 74. Requires the towns and cities to arrange their records and have them bound in volumes for the convenient examination and reference, to provide a suitable place to store the volumes at municipal expense; and banning loans of public records, so as to keep the records open at all proper times to the inspection and examination of all persons interested.¹³

Approx. 1887-1889: required towns to store records in fire-proof vaults????¹⁴

1897: Directs that provincial records of New Hampshire to be housed by the New Hampshire State Library.¹⁵

1911, Chapter 215: Directs the Governor & Council to appoint a suitable person to report to the next legislature upon the condition of public records in towns and parishes of the state.¹⁶

1913, Chapter 137: Town clerks and other people with ancient town records in their possession, to deliver them to the Secretary of State to be copied, indexed and returned to the depositor.¹⁷

1967, Chapter 105: Created the town and state Municipal Records boards, recognized that not ALL public records must be kept FOREVER, and inserted a list of the types of records that may be kept less than permanently, and how long they need to be kept.¹⁸

¹⁰ New Hampshire Session Laws, 1879.

¹¹ New Hampshire Session Laws, 1881.

¹² New Hampshire Session Laws, 1885.

¹³ New Hampshire Session Laws, 1885.

¹⁴ from my recollection – unable to find the statute.

¹⁵ Connie Rinden (compiler), [Manuscript] Index to the Laws of New Hampshire, at the New Hampshire State Archives.

¹⁶ New Hampshire Session Laws, 1911, page 282.

¹⁷ New Hampshire Session Laws, 1913, page 646.

¹⁸ New Hampshire Session Laws, 1967. Besides the laws listed in the body, other statutes amending the Municipal Records Board statute include 1969, Chap. 231; 1985, Chap. 102, and 1991, Chap. 197.

1967, Chapter 251: Created the New Hampshire Freedom of Access to Public Records law (Right To Know)¹⁹

1977, Chapter 358: (Municipal Records Board) Removed the list of records eligible for disposal from the statute, and gave the state Municipal Records Board the authority to establish retention schedules for local records by administrative rules.²⁰

Rules were adopted in **1981 (#1730)**, 1983 (2417), 1985 (3109), **1995 (6073)** and 2004 (8102 Interim).

2005, Chapter 187: (Municipal Records Board) Reinserted the list of records that did not need to be kept permanently into the statutes, and mentioned electronic records.²¹

¹⁹ New Hampshire Session Laws, 1967. Other statutes amending RSA 91-A include: 1969, Chap. 482; 1971, Chap. 327; 1975, Chap. 383; 1977, Chap. 540; 1983, Chapter 279; 1986, Chap. 83; 1989, Chap. 274; 1991, Chap. 217; 1992, Chap. 34; 1993, Chap. 46; 1995, Chap. 260; 1997, Chap. 90 [and more recent statutes].

²⁰ New Hampshire Session Laws, 1977.

²¹ New Hampshire Session Laws, 2005.

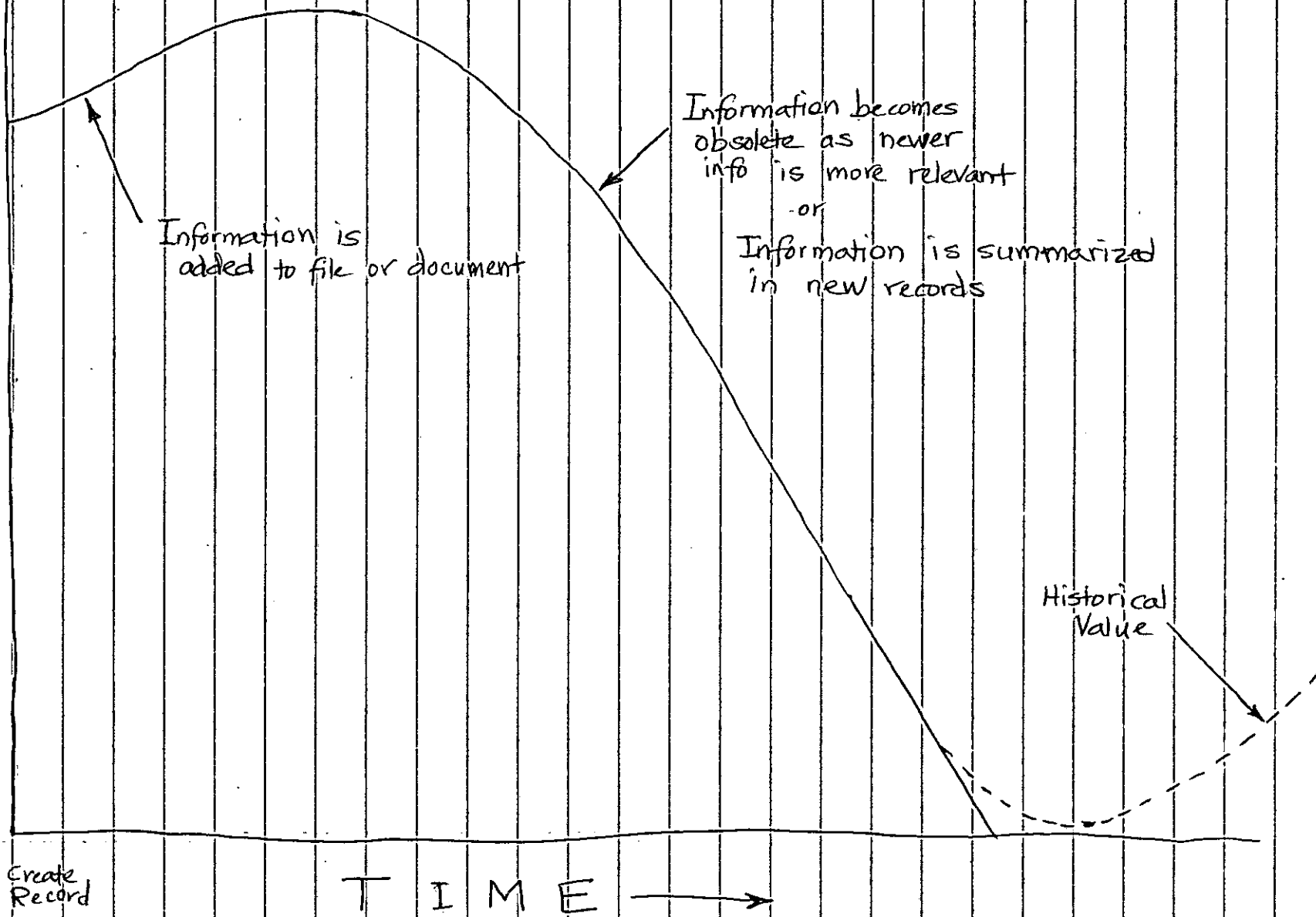
Library Records Retention

<i>Record Group</i>	<i>Official Copy</i>	<i>Legal Req</i>	<i>Legal Source</i>	<i>Current retention</i>	<i>Recommended Retention</i>	<i>Notes</i>
City Reports, Master Plan, etc	City Clerk	--	--	Indefinite	Perm/hist	Part of non-circulating local history collection;
Equipment manuals	Library	--	--	Life of Equipment	Life of Equipment	Facilities maintenance staff on prem
Financial records	City Clerk, Treasurer	--	--	1	7 yrs	Finance keeps CY+6; some are perm; State requ. is 6 yrs for most
Library Registration Cards	Library	CY+1	MRB	Indefinite	Active + 1	
Personnel Records	Human Resources, then City Clerk			Term + 1	Term + 1	HR keeps perm
Plans of Library	Parks & Rec; City Clerk	--	--			
Scrapbooks about Library	Library	--	--	Perm	Perm/hist	Should be part of non-circulating local history collection
State Library Reports	Library	Perm	MRB	Perm	Perm/hist	
Trustee minutes, agenda, correspondence	Library	Perm	MRB	Perm	Perm/Hist	Consider microfilming; transfer originals to Historical Society
Trustee Trust Funds, records & invoices	Library	Perm	MRB	Perm	Perm/7 years	Audited annually by city auditor. These are trust funds held by Library trustees; not city held trust funds.

Source: Inlook Group draft recommendations to City of Keene, June 10, 2003

Library User Records	Library	Not retained	MRB RSA 33A: 3a,	Not retained		Confidential pursuant to RSA 201-D:11
----------------------	---------	--------------	---------------------------	--------------	--	---------------------------------------

RELATIVE VALUE OF RECORD →



Information is added to file or document

Information becomes obsolete as newer info is more relevant
-or-

Information is summarized in new records

Historical Value

Create Record

T I M E →