

Preserving and Accessing Maryland's Archival Heritage

Testimony before
Public Safety & Administration Subcommittee
House Appropriations Committee

by
Dr. Edward C. Papenfuse, Jr.,
State Archivist and Commissioner of Land Patents
January 30, 2008

On the Proposed Budget
Maryland State Archives, Fiscal Year 2009

Maryland State Archives S465-D012242A.TIF



Mr. Chairman, Members of the Subcommittee:

My name is Ed Papenfuse, State Archivist and Commissioner of Land Patents. With me today is my Deputy,

Tim Baker; and Nassir Rezvan, the Director of Administration for the State Archives. We appreciate the thorough analysis of our budget by Chantelle Green and have no issues with her assessment of our budget. However, we hope that you will agree with our contention that the funding for Architect of the Capitol position should remain and not be cut one quarter. We need to begin recruiting as soon as the budget is approved and have a qualified candidate in place this summer to assist in the oversight of the planned renovations of the State House during the months of closure.

For your reference and further reading, our annual report is provided on our website in the form of the minutes and agenda of the Hall of Records Commission, which we publish electronically following each meeting, at www.mdarchives.state.md.us/msa/intromsa/hrc/html/hrc.html.

The State Archives is, and ought to be, the informed and accurate record of Maryland Government, as well as a maintained resource for the study of our rich and diverse past. "It is the ultimate repository of the peoples' record" to quote a dedicated court clerk and friend of the Archives. Through the records we preserve and the web-based publications we provide, the State Archives is an authoritative resource where anyone can find reliable information about Maryland's nearly 375 years of chartered existence.

For over thirty years I have come before you to present the Archives' budget request and to talk about what we would do if given the opportunity and the necessary budget resources. Over those years it has been made clear to me that those resources would not come from the general fund and that if we were to preserve, conserve, and make accessible our rich archival heritage, we would have to be entrepreneurial and market archival publications to garner special fund revenue from the private and public sectors.

Over the past several years we have been remarkably successful. For example, we conceived of a web-based publication for the preservation and care of all subdivision and condominium plats which, at the urging of the Judiciary, we expanded to encompass all land records in Maryland past and present, going back to the founding of the colony. In doing so we actually reduced the cost of automating land record filings and storage considerably and supported much of the whole of our archival program, including providing over \$300,000 a year in annual 'rent' to the Department of General Services for maintenance on the Archives building, and allocating 7% of all special fund revenue to a publicly accountable Archives Endowment fund, the interest from which is statutorily intended for research, writing and program development of the Archives. [Http://mdlandrec.net](http://mdlandrec.net) now serves over 60,000 individuals and about 10,000 users a day, all paid for in advance with fees paid for recording land transactions.

The legislative auditor has implied that the Archives' approach to supporting the archival program through publications designed to deliver records on line, and the investment of those fees in both the current and future needs of preserving and making public information accessible, has not been sanctioned by our budget committees, and that we were not authorized to require a surcharge of 7% on all publications for our state managed endowment fund. I believe, however, that I have been frank and open with both our subscribers, our budget committees, and the Department of Budget and Management in that regard. Each year I have outlined our efforts to finance what is currently 80% of the archival program with special fund income. Our counsel has advised us that what we are doing to fund the Archives through publication revenue and endowment investment is proper, and within the scope of existing law, but for the sake of clarity and to remove any doubt, this year we have introduced departmental legislation that further explains the fee setting authority that constitutes the basis of a viable, nationally recognized, archival program for Maryland, that has been run without any increase in general fund appropriations for the past several years.

I would hope that this year our budget committees would make explicit on the record that you approve the management policies of the Archives and endorse the creative, dedicated ways in which we have met the demands of caring for our immense and rich archival heritage without total reliance upon general fund revenue.

Permit me to recap what we have accomplished to date with our on line archival publications initiative:

- We have been successful with our entrepreneurial endeavors to the point where 80% of our operation is funded with Special Fund money derived from our publications and fees. We have set aside seven percent of all the fees we charge for the Archives Endowment and hope to continue this practice well into the future. The interest that the endowment earns has already begun to bear fruit. Just this past week, we began distributing *A Guide to the History of Slavery in Maryland*. This useful resource is the result of a cooperative endeavor between the Archives and the University of Maryland College Park and the renowned historian Ira Berlin. It was paid for out of interest earned on the endowment. I have brought additional copies for the Committee this afternoon.
- With the successful implementation of the ELROI and mdlandrec.net partnership, Maryland became the first state in the nation to provide comprehensive, cost-effective, and efficient access to all existing land records and land record indices. As of December 31, 2007, mdlandrec.net encompassed 166,146,799 images of land records and land record indices from Maryland's 24 jurisdictions. This represents more than 217,000 land record volumes and more than 15,000 index books, all available from a single source. We did this below projected budget requirements and invested all proceeds in the strengthening of the archival program, particularly the development of what we believe will prove to be among the first truly permanent electronic archives in the Nation.

In addition to mdlandrec.net, we have been busy otherwise in caring for our Archival heritage.

- We helped the public and the Department of Assessments and Taxation deal with issues related to ground rent legislation by providing linkages from real property databases to land records.
- We established a model disaster recovery site. Working in cooperation with the University of Maryland, Baltimore County, we implemented a plan to replicate all of the Archives permanent electronic record material to storage arrays on campus, proving the principle of a live duplicate remote site for the electronic archives, the first State to do so.
- We conserved some of the State's most valuable artistic treasures, including a long neglected mirror original to Government House, which has been restored with private funds and brought back to public display. We have also continued to display and make available our holdings as images for publications such as our wonderful portrait of George Washington by Charles Willson Peale, now in a public room in Government House, and which also appeared as the cover of a well received study of our first Commander In Chief that lauds his skills as a master politician in a time of crisis:

THOMAS FLEMING

"At last! The true story of Valley Forge! Fleming's brilliant work strips away the mythology from this critical event in American history."

—Harlow Giles Unger, author of *The French War against America*

Washington's Secret War

The Hidden History
of Valley Forge

☀ Smithsonian Books

- We developed an Exhibits Master Plan to improve the visitor experience to Maryland's most historically significant government building – The State House in Annapolis.
- We presented an Historic Furnishings Plan to recreate the Old House of Delegates Chamber as it existed in 1876. When complete, the Old House Chamber will be an elegant meeting space as well as a showpiece highlighting a very important, and presently missing, time period in our State's history.
- We began to address some of the problems with agency compliance with records management requirements in the State by working with the Department of General Services and representatives from the Office of the Attorney General to produce online guidance off the Archives web site for agencies, and provide a means for agencies to review and update operative schedules for the retention

and disposal of public records. We look forward to the passage of Senator Peters' call for a task force on Records Management. There are considerable savings to be made in the costs of government through better records management and efficient use of technological advances in electronic record keeping, but it will take high level cooperation and recommendations emanating from such a task force to make it happen.

- We served over 7,000 walk-in customers in our Annapolis search room. More impressive was our service to the public through our internet publications. Last year, in response to website inquiries received by the Archives, we transferred over 47 terabytes of information over the Internet and on individual cds
- We managed over ten billion database records, and,
- With limited resources we have monitored the illegal sale of public records on Ebay, recovering considerable quantities of historical court records that have gone missing from such counties as Allegany, Baltimore, and Frederick. We even had a patron spy a Charles County estate record for sale on line which she purchased and sent to us as an unsolicited gift. The threat of thieves is real and our staff is dedicated to preventing fraud. I believe that our insistence on online inventory control and careful monitoring of our holdings has gone a long ways toward deterring criminals such as those who have cut maps from books at Yale, Johns Hopkins, and numerous other institutions in recent years. Indeed attached to my testimony today is a facsimile of Maryland's rare copy of the Proclamation of Peace published in Annapolis following ratification by Congress of the Treaty of Paris, January 14, 1784, in our historic State House. Only thirteen copies are known to have been embossed with the Great Seal of the United States and signed by the President of Congress, one for each of the thirteen original states. We still have ours, but several states do not. Just last December, Sotheby's sold a copy for \$300,000. For years our copy hung on the walls of the State House where it suffered from sunlight and neglect, but fortunately was not stolen. In the 1960s it was taken down and entrusted to our care where it has been safe, secure, and accessible ever since.

What remains to be done for which we have no resources in the coming fiscal year?

- For the third year in a row we will not be publishing a paper version of the Maryland Manual. For lack of \$75,000 general fund appropriation, we will go another year without providing this important "slice in time" depiction of the structure, roles and responsibilities of our government.
- We lack adequate Archival storage for paper records. In FY 2009, we will not adequately care for the paper records in our custody that are already designated as being of permanent value. The most basic requirement for records preservation is to move records from a costly (often destructive) office environment to the secure and environmentally stable custody of the State Archives. A huge obstacle to achieving this primary objective is the lack of space in which to safely house paper and other non-electronic archival material. Presently, in addition to our facility in Annapolis, three adjunct warehouse facilities hold government records. Together, they store 299,216 cubic feet of permanent record material. Significantly, nearly half of that amount resides in substandard, rented facilities. Fluctuations in temperature and humidity destroy paper records. The lack of ANY temperature and humidity controls in the rented spaces threatens the longevity of these permanent records. The plan to build an archival facility, approved in the five-year capital budget plan, should be fast-tracked to remedy this situation.
- We will not be providing adequate levels of conservation services for the artistic property that has been entrusted to our care. Maryland is very lucky to have such a dedicated staff in our Artistic Properties and Preservation units. Yet, staff resources alone are not enough to sufficiently provide all for all the conservation needs, art handling requirements and basic moving and storage. The artistic property collections are priceless and irreplaceable cultural treasures. It would be accurate to say that the art collections probably have a "street value" in excess of \$100,000,000. At minimum there should be an annual investment of 7% of the capital value of the collections put towards their care and conservation. Such a level of investment in maintenance and care of capital resources is common in

private industry, yet to date the State's contribution is barely \$50,000 for all conservation, art handling, storage costs, a sum that does not even approach 1% of the collections' value.

- We have no funding to pursue the exhibit master plan for the State House, beyond installation of the restored House of Delegates Chamber. Exhibits elsewhere in the State House date from 1984 and have not been updated or refurbished since that year. We hope that will have changed when we appear before you next year, along with a much needed improvement in the over all economy of the Nation.

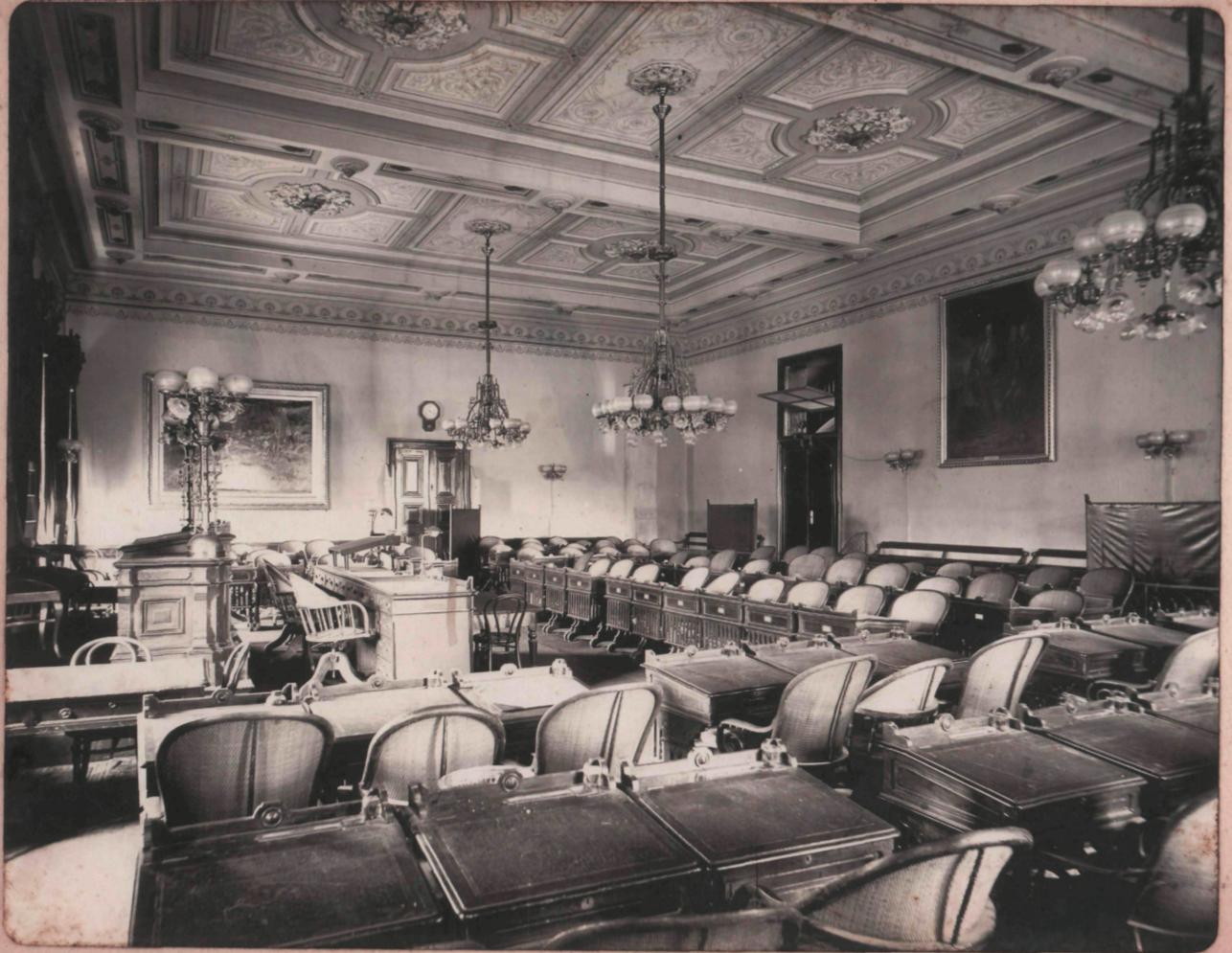
In all, while we will continue to be innovative with regard to finding resources to cover our operating expenses on the scale we have demonstrated to date, we still look to the State general fund for supporting the care of the State House, our Government information publications such as the printed and on line Maryland Manual, our capital needs for paper archival storage, whether that be through adequate leased facilities or new state-owned archival facilities, and maintaining our art collections.

Each year when I appear before you I like to bring with me a hint at the treasures that your State Archives holds in its vaults and which we delight in interpreting and making accessible. You have a copy of one of the most important official printed documents in our National History.

Permit me to end with a peak at a collection that one of your colleagues recently brought to our attention. While he recognized its importance and personally delivered it to us for our review, he had no inkling how pleased we would be to see it, and how directly relevant it was to all the work we had been doing recently on improving the visitor experience in our Historic State House. It is a photographic album containing not only images of everyone who served in the General Assembly in 1898, but also photographs of the interior of the House Chamber that we had not seen and that will be vital to the success and interpretation of the restoration program in the State House that begins this summer. I am including just a few of the images with my testimony today. We hope to have a facsimile publication available for the grand opening of the restored House of Delegates Chamber. All of us owe Delegate John Wood our thanks for his personal role in caring for our public memory.







Thank you for your time.

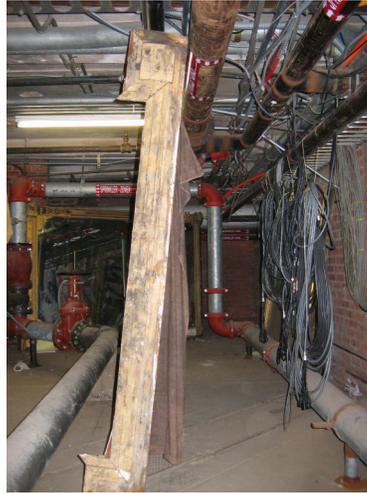
We respectfully request your favorable consideration of our budget and comment on our programmatic policies for funding the Archival program.

I would be happy to answer any questions.

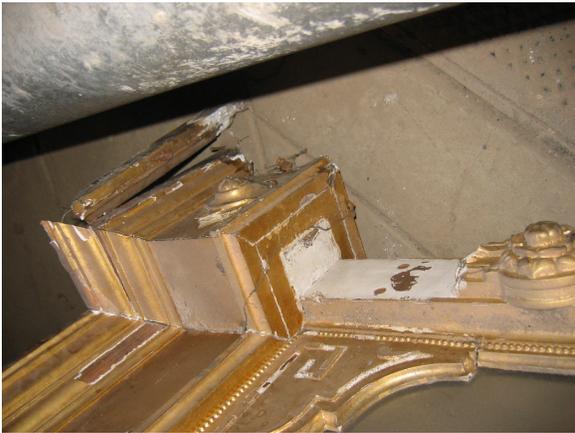
Pier Mirror [MSA SC 1545-3243]



Mirror in situ, Government House, circa 1959



Mirror as stored in State House basement from circa 1960 to 2006



Detail of top right corner showing extent of damage from exposure to moisture and abrasion over time



Mirror as crated by art handling company for removal and storage



Mirror after restoration and reinstallation in Government House
December 2007

William Paca [MSA SC 4680-10-0083]



Filling, about $\frac{3}{4}$ completed, November 16, 2007



Graduate students in the Winterthur/University of Delaware Program in Art Conservation assisting with paint infill as part of conservation treatment



Partially cleaned area showing colors darkened by old varnish



Director of Conservation, Dr. Joyce Hill Stoner with portrait in partially restored condition, December 2007

By the UNITED STATES in CONGRESS Assembled,
A P R O C L A M A T I O N .

WHEREAS definitive articles of peace and friendship, between the United States of America and his Britannic Majesty, were concluded and signed at Paris, on the 3d day of September, 1783, by the plenipotentiaries of the said United States, and of his said Britannic Majesty, duly and respectively authorized for that purpose; which definitive articles are in the words following.

Thomas Mifflin
In the Name of the Most Holy and Undivided
 TRINITY.

IT having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George the Third, by the Grace of God, King of Great-Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c. and of the United States of America, to forget all past misunderstandings and differences, that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris, on the 30th of November, 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great-Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great-Britain and France, and his Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great-Britain and France, having since been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles abovementioned, according to the tenor thereof, have constituted and appointed, that is to say, His Britannic Majesty on his part, David Hartley, Esquire, member of the parliament of Great-Britain, and the said United States on their part, John Adams, Esquire, late a commissioner of the United States of America at the court of Versailles, late delegate in congress from the state of Massachusetts, and chief justice of the said State, and minister plenipotentiary of the said United States, to their high mightiness the States General of the United Netherlands; Benjamin Franklin, Esquire, late delegate in congress from the state of Pennsylvania, president of the convention of the said State, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, Esquire, late president of congress, and chief justice of the state of New-York, and minister plenipotentiary from the said United States at the Court of Madrid, to be the plenipotentiaries for the concluding and signing the present definitive treaty, who after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

ARTICLE 1st. His Britannic Majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, to be free, sovereign and independent states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

ARTICLE 2d. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz.

From the north-west angle of Nova-Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint-Croix river to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut river, thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles, Royal and Philippeaux to the long lake; thence through the middle of said

long lake and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of Saint Mary's river; and thence down along the middle of Saint Mary's river to the Atlantic Ocean. East by a line to be drawn along the middle of the river Saint-Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river Saint Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic Ocean; excepting such islands as now are or heretofore have been within the limits of the said province of Nova-Scotia.

ARTICLE 3d. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulph of Saint Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that Island) and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova-Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICLE 4th. It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

ARTICLE 5th. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description, shall have full liberty to go to any part or parts of any of the Thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them; they refusing to any persons who may be now in possession the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE 6th. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account, suffer any future loss or damage, either in his person liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately let at liberty, and the prosecutions so commenced be discontinued.

ARTICLE 7th. There shall be a firm and perpetual peace between his Britannic Majesty and the said States,

and between the subjects of the one, and the citizens of the other, wherefore all hostilities both by sea and land shall be henceforth cease; all prisoners on both sides shall be let at liberty, and his Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post place and harbour within the same; leaving in all fortifications the American artillery that may be therein, and shall also order and cause all archives, records deeds and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

ARTICLE 8th. The navigation of the river Mississippi, from its source to the Ocean, shall forever remain free and open to the subjects of Great-Britain and the citizens of the United States.

ARTICLE 9th. In case it should so happen that any place or territory belonging to Great-Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE 10th. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned, their ministers plenipotentiary, have in their name and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

DONE at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

(L. S.) D. HARTLEY, (L. S.) JOHN ADAMS,
 (L. S.) B. FRANKLIN,
 (L. S.) JOHN JAY.

AND we the United States in Congress assembled, having seen and duly considered the definitive articles aforesaid, did by a certain act under the seal of the United States, bearing date this 14th day of January 1784 approve, ratify and confirm the same and every part and clause thereof, and promising that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner as far as should be in our power; and being sincerely desirous to carry the said articles into execution truly, honestly and with good faith, according to the intent and meaning of the same, we have thought proper by these presents, to signify the premises to all the good citizens of these United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive and judiciary, all persons bearing office, civil or military, of whatever rank, degree or powers, and all the good citizens of these States of every vocation and condition, that reverencing those stipulations entered into on their behalf, under the authority of that federal bond by which their existence as an independent people is bound up together, and is known and acknowledged by the nations of the world, and with that good faith which is every man's surety guide within their several offices, jurisdictions and vocations, they carry into effect the said definitive articles, and every clause and sentence thereof, sincerely, strictly and completely.

GIVEN under the Seal of the United States, Witness his Excellency THOMAS MIFFLIN, our President, at Annapolis, this fourteenth day of January, in the year of our Lord one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America the eighth.