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HISTORY OF THE TOWN SEAL

General Background

Seals have been used to authenticate documents since the third millennium BC. English town seals date back to the 13th century, when English common law specified that breach of promise could be addressed for promises under seal.¹ In less literate times it was uncommon for people to be able to read or sign their name. Seals were used to indicate the acceptance and validity of a document.

In Massachusetts municipal government, the raised town seal indicates that records are certified to be true copies of official documents. The seal is most commonly used on copies of birth, death and marriage records, copies of town meeting votes, copies of board of appeals decisions and copies of records that must be filed with the Town Clerk's office.² As a reflection of their English common law roots, many Massachusetts municipalities designed and adopted seals early on in their municipal history.³

Legal Background

Although seals have a long history, the issue was not addressed by Massachusetts statutory or regulatory law until the late 19th century. Although this appears to be a late addition to Massachusetts legal history, consider that the legislature did not prescribe the present form of the Great Seal of the Commonwealth until 1885—despite its 250 year history!⁴ The present form of the Great Seal was not specified in law until chapter 288 of the Statutes of 1885 was adopted.⁵

The earliest mention of town seals in Massachusetts statutory law was chapter 205, section 26 of the Public Statutes of Massachusetts of 1881. This statute provided a penalty for the unauthorized use of municipal seals and read:

Whoever, without being duly authorized thereto, prints, stamps or affixes, or causes to be printed, stamped, engraved, or affixed to any paper or other article a representation of the seal of a city or town in this commonwealth, with intent to give to such paper or article an official character which it does not possess, or, without being duly authorized thereto, and with intent to assume an official character which he does not possess, casts, stamps, engraves, makes or has in his possession a badge or thing in the likeness of an official badge of...[a] officer appointed by a city or town in this commonwealth, or by any department of such city or town, shall be punished by a fine not exceeding fifty dollars.⁶

The first statutory requirement to create and adopt a town seal was passed April 29, 1898. Chapter 389, section 2 of the Acts of 1898 required:

Every town shall provide for the use of its town clerk an official seal, bearing the name of the town and the date of its incorporation, and of such general design as may be approved by the selectmen thereof.⁷

Chapter 256 of the Acts of 1899 repealed Chapter 389, section 2 of the Acts of 1898 and specified that towns without a seal had one year to adopt one:

Within one year from the passage of this act every town not already having a seal shall, by such method as may be adopted by vote of the town at a meeting duly called for the purpose, establish a seal of the town, which seal shall be in the custody of the town clerk; and any paper or document emanating from officer or board of a town shall, whenever it seems necessary or desirable, be attested with the town seal.⁸

Chapter 25, section 28 of the Revised Laws of Massachusetts codified the previous actions into the following:

Each town shall have a seal, established at a meeting called for the purpose, which shall be in the custody of the town clerk. Papers or documents issued from any office or board of the town may be attested therewith.⁹

The most current statute is chapter 40, section 47 which requires that:

Each town shall have a seal, established at a town meeting, to be kept by the town clerk. Papers or documents issued from any office or board of the town may be attested therewith.¹⁰

Burlington's Seal

Burlington Town Meeting took action Nov. 7, 1899 "to see what action the town will take towards procuring a seal for the town or do or act anything in relation to the same." Town Meeting "voted that the Selectmen be a committee to procure a seal for the town."¹¹

The first town seal has the same elements as today's seal. The text "Woburn 1642 Woburn Precinct 1730 Sewall House Incorporated Feb. 28, 1799" encircles an image of the Sewall house, the house where John Hancock, Samuel Adams and Dorothy Quincy sought refuge during the April 19, 1775 battle of Lexington and Concord and the house that served Burlington clergy for 100 years. Built in 1730 by Benjamin Johnson, the Sewall house was destroyed by fire in 1897.

We do not have an official record of the decision-making process,¹² but it appears that even 100 years ago, the house was considered a monument to Burlington's history. Martha Elizabeth Sewall Curtis¹³ noted that the image on the seal was from James Franklin Gilman's drawing of the Sewall house. Unfortunately, other record series and local newspapers do not offer any insight into the development of the seal.

Prior to the development of the metal embossing seal, the Town Clerk occasionally used a handwritten surrogate seal; it appears that this was a temporary substitute for a wax seal. The first instance of this substitute seal is in the April 6, 1801 Town Meeting records. In this early example, the word seal is written inside a diamond that is the same size as a typical wax seal.

The known use of the printed town seal was on the town report for the year ending Feb. 23, 1901. The first known use of the metal embossing seal was on the May 22, 1902 town warrant.¹⁴ Even after the creation of an official seal, the Town Clerk Harry H. Nichols, occasionally used a handwritten substitute. After the creation of the official town seal, the next use of the handwritten symbol was in the general records of the Town Clerk April 17, 1905.

¹ *Encyclopedia Britannica*, vol. 20, p. 611, p. 613.

² Betsey Powers and Doris H. Gere, eds. Massachusetts Town Clerk's Association. *A Manual for Town Clerks in the Commonwealth of Massachusetts: Volume 2*. Boston, MA: Secretary of the Commonwealth, printer, p. 55.

³ *Ibid.*, p. 56.

⁴ The 1629 Massachusetts Bay Colony charter included the authority to use a seal and Paul Revere was commissioned in 1755 and 1780 to engrave the Great Seal of the Commonwealth, per Massachusetts State Archives *Great Seal of the Commonwealth* (draft to August 9, 1999).

⁵ Massachusetts State Archives. *Great Seal of the Commonwealth* (draft to August 9, 1999).

⁶ Chapter 205, section 26, Public Statutes of Massachusetts Nov. 19, 1881, effective Feb. 1, 1882.

⁷ Chapter 389, section 2 of the Acts of 1898, approved April 29, 1898.

⁸ Chapter 256, section 2 of the Acts of 1898, approved April 10, 1899.

⁹ Chapter 25, section 28 Revised Laws of Massachusetts, approved Nov. 21, 1901.

¹⁰ Chapter 40, section 47 was created by the combination of chapter 25, section 28 and chapter 26, section 4, effective Jan. 1, 1902, per the State Library.

¹¹ Town Clerk general records, Nov. 7, 1899, article 4.

¹² The Board of Selectmen formed the committee to procure the seal and their records from 1886-1908 are missing.

¹³ Martha Elizabeth Sewall Curtis. *Ye Olde Meeting House* (Boston: Anchor Linotype Print. Co., 1909), p. 30.

¹⁴ Town Clerk general records, p. 170.