

**THE LAND COURT
OF
MASSACHUSETTS**

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The Land Court of Massachusetts by Various

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VARIOUS

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the general case of a closed system. The decomposition of (6) into two parts, the homogeneous and the particular solution, is therefore not possible. The homogeneous part is the general solution of the homogeneous system

$$M(\ddot{q}) + G(q) = 0, \quad (7)$$

where $q = [q_1, q_2, \dots, q_n]^T$ is the vector of the generalized coordinates. The particular solution $q_p(t)$ is a solution of (6) which satisfies the initial conditions

$$q_p(t_0) = q_0, \quad \dot{q}_p(t_0) = \dot{q}_0, \quad (8)$$

where t_0 is the initial time. The general solution of (6) is therefore the sum of the particular solution and the general solution of the homogeneous system (7)

$$q(t) = q_p(t) + q_h(t). \quad (9)$$

The homogeneous part of the general solution, $q_h(t)$, is a function of the generalized coordinates q and of the time t . For the particular solution, $q_p(t)$, we assume a form

$$q_p(t) = q_0 + \dot{q}_0(t - t_0). \quad (10)$$

Using (10) in (6) we obtain the following algebraic equation for the particular solution, $q_p(t)$

$$M(q_0 + \dot{q}_0(t - t_0)) + G(q_0 + \dot{q}_0(t - t_0)) = F(q_0 + \dot{q}_0(t - t_0)). \quad (11)$$

Because of the nonlinearity of the system (6) the above equation (11) is not solvable in closed form. However, we can obtain a first-order approximation of the particular solution, $q_p(t)$, by neglecting the nonlinear terms

$$G(q_0 + \dot{q}_0(t - t_0)) \approx G(q_0) + \dot{q}_0^T \frac{\partial G(q_0)}{\partial q} (t - t_0). \quad (12)$$

The nonlinear terms in (11) are neglected because the initial conditions are assumed to be small. For the homogeneous part of the general solution, $q_h(t)$, we assume a form

$$q_h(t) = q_1 e^{i\omega t} + q_2 e^{-i\omega t}. \quad (13)$$

Substituting (13) into (7) we obtain the following algebraic equation for the homogeneous part of the general solution, $q_h(t)$

$$-M\omega^2 q_h + G(q_h) = 0. \quad (14)$$

Because of the nonlinearity of the system (6) the above equation (14) is not solvable in closed form. However, we can obtain a first-order approximation of the homogeneous part of the general solution, $q_h(t)$, by neglecting the nonlinear terms

$$G(q_h) \approx G(q_0) + \dot{q}_0^T \frac{\partial G(q_0)}{\partial q} q_h. \quad (15)$$

THE LAND COURT.

ROOM 408, COURT HOUSE, BOSTON.

CHARLES THORNTON DAVIS, *Judge*; JOSEPH J. CORBETT, *Associate Judge*; CLARENCE C. SMITH, *Recorder*; the several Registers of Deeds, *Assistant Recorders*.

PROCEDURE AND PRACTICE.

I. — REGISTRATION OF TITLE TO LAND.

Petitions may be made for the registration of title to any land in the Commonwealth, and may be filed with the recorder at the land registration office in Boston, or with the register of deeds at the local registry.

The form of petition should be as provided in section 28, chapter 185, General Laws. Blank forms may be obtained from the land registration office, and should be kept for distribution at the several registries of deeds.

It is important in paragraph 3 of the application to state all known encumbrances and adverse claimants with their addresses, whether admitted or denied by the petitioner, and to carefully ascertain and state, with their correct addresses, the full names of all owners of land adjoining that included in the petition, as called for in paragraph 7.

The petition should be accompanied by any title deeds of the petitioner and by a plan of the land made in accordance with instructions appearing hereafter.

A petitioner, upon filing his petition, is required to deposit therewith the sum of \$25, and the further sum of one-tenth of one per cent of the assessed value of the real estate included in the petition on the basis of the last assessment for municipal taxation, to be applied to the fees and expenses payable under

section 39 of chapter 262, General Laws. If any surplus remains after the case is closed and the requirements of the said section are met, it is returned to the petitioner. If such deposit is not sufficient to meet such requirements, the balance is to be paid upon request of the recorder before any decree issues. The ultimate cost to the petitioner is \$2 per each \$1,000 of the assessment aforesaid, and about \$25 more. After original registration, a deed transaction costs \$2.50 and a mortgage transaction \$1.50, regardless of any assessed value.

The petition is immediately referred to an examiner to report on the state of the record title. Examiners are allowed two weeks for this work. As soon as the report is filed notice is sent to the petitioner. If the examiner is of opinion that the title to the land is in the petitioner and is proper for registration, or if his opinion is adverse to the petitioner and the petitioner elects in writing to proceed, a general notice of the filing of the petition is issued by order of the court in the form provided in section 38 of said chapter 185, and immediately published once each week for three successive weeks in a newspaper in the registry district where the land lies. The return day of this notice must be not less than twenty nor more than sixty days from the date of issue; and within seven days after the first publication the recorder sends an attested copy of the notice to each person named therein, whose address is known, by registered mail. An attested copy of the notice is also posted on the land itself by a deputy sheriff, not less than fourteen days before the return day, and the petitioner is required to record a notice of the filing of his petition in the registry of deeds, which is indexed under his name as grantor. Such other and further notices are given as the court may deem the requirements of justice demand in each particular case.

On or before the return day, any one, whether named personally in the notice or not, may appear and answer to the petition and have his claim heard by the court at such time and place in any county as it may appoint. The answer is required by law to be sworn to (see section 41 of said chapter).

If no one appears to object to the registration of the title to the land in the name of the petitioner, and the court is

satisfied, from the examiner's report and all other evidence before it, that the petitioner is legally entitled to the land, or so finds after a hearing on the petition and objections thereto, a decree for confirmation and registration of the title is entered in the name of the petitioner, and a copy of the decree is sent to the assistant recorder for the district within which the land included in the decree is situated, together with a copy of a plan of the land as finally established by the court.

The assistant recorder transcribes the decree in a book called the registration book, and this entry is the "original certificate," which is accompanied by the plan. The registration book is at all times open to public inspection. The assistant recorder then makes an exact copy of the original certificate, adding to it the words "owner's duplicate certificate," and delivers this to the owner.

On one side of the certificate appears the owner's name and a description of the land, and on the other side memoranda of any encumbrances. The certificates in each registry are numbered consecutively as issued, and are afterwards referred to as certificates filed in such registry and numbered so and so.

From the time the first certificate is issued, all dealings with the land which create any encumbrance are registered by filing in the registry the paper creating the encumbrance, accompanied by the owner's duplicate certificate. No registration of any voluntary encumbrance can be obtained without the presentation of such duplicate certificate as authority to the assistant recorder to receive and enter the same. Thereupon the paper is stamped, numbered and filed, and a memorandum of its effect posted on the back of both certificates. Discharges of all encumbrances are registered in like manner, or by signing personally in the discharge column on the back of the certificates.

A mortgage may be presented for registration in duplicate, like a lease. The parts are then stamped, numbered and compared, and one part is placed on file and the other taken away by the holder of the mortgage. A certified copy of the mortgage will answer every purpose and is recommended as most convenient for all parties. In either event the mortgage

title becomes absolutely registered as soon as the mortgage is duly filed in the registry, and it is a mere matter of personal preference with the mortgagee as to what more, if anything, he will require the mortgagor to furnish. The foreclosure of a registered mortgage is to be made in all respects as in the case of an unregistered mortgage.

If the encumbrance to be created is an involuntary one, such as a lien or attachment, the paper creating the same is received and registered by the assistant recorder on presentation, and a memorandum of its effect posted on the back of the original certificate in his possession. The owner is immediately notified to bring in his duplicate to be posted with a like memorandum, and compliance with this notice can be enforced by suitable process of the court. In case of any variance between the original and duplicate certificates, the original on file in the registry governs.

If a conveyance in fee is to be made, a deed in the usual form is presented for registration with the owner's duplicate certificate. But it must contain the same description as the certificate and be signed by the same party appearing therein as owner, with proper release of wife or husband. The assistant recorder registers and files the deed, cancels the old certificate, and makes out a new certificate and duplicate to the new owner, carrying forward to the page of encumbrances all those not simultaneously discharged on the old certificate with the filing of the deed. If a part only of the land included in a certificate is sold, the grantor may have a new certificate for his remaining land, or may have an endorsement entered on the back of his old certificate, after a subdivision plan has been furnished by the court, that it is cancelled as to lot numbered so and so on the plan. The grantee in either case gets a certificate for the land purchased.

Upon the death of a registered owner a petition for a new certificate by the party, or parties, entitled is required to be filed, as provided in section 97 of the registration law. The entry fee for such petition is \$1, and there is also a further payment to be made under section 99 of one-tenth of one per cent of the assessed value of the property.

The exact state of the title is thus shown at any time by