

LAND RECORDS, A SYSTEM OF INDEXING

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Land Records, a System of Indexing by Daniel Kent

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DANIEL KENT

**LAND RECORDS, A
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INDEXING**

LAND RECORDS. (4)

**A
SYSTEM OF INDEXING.**

**BY
DANIEL KENT,
Register of Deeds, Worcester District.**

**WORCESTER, MASSACHUSETTS.
1903.**

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PREFACE.

Heretofore the investigator of the subject of indexing land records has found that although various systems were in operation, no published formula existed.

The author of the system here presented has given the subject much study, supplemented by practical work. While it might seem a few general rules would cover the whole question, experience proves that they cannot be intelligently applied in many instances. Modifications must be made to suit individual cases.

Indexes of land records are of necessity for the use of many who are not real estate lawyers. In order that they may be of the greatest assistance to the general public as well as experts, the method here outlined, for instance, provides among other things for taking the names of persons who are not in a strict legal sense grantors or grantees.

Instruments, especially deeds to and from corporations and associations, are sometimes incorrectly drawn and improperly executed, but being recorded they must be indexed. A few of the illustrations show errors of this kind.

This work has been prepared that each member of the Indexing Department may always have at hand a guide to which she can refer when in doubt and that all may work at all times on uniform lines.

The subject of classification and cross references has not been enlarged upon, the only object being to show how the instruments should be indexed.

WORCESTER, August 20, 1903.

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INDEXING.

THE making of an index of land records requires great care and accuracy. Unless it is thorough and reliable it will mislead the public and be a source of continual annoyance to the Registry itself.

It should consist not simply of an alphabetical list of the names of the parties to the transactions with the book and page and locations of the property, but by a systematic arrangement should indicate the relations of the parties to the transactions and the capacities in which they act, the character of the instruments and give a brief description of the property affected. Such a system will save a vast amount of time and labor and will enable one consulting the indexes to tell at a glance what records he must consult without being obliged to examine every record under a certain name.

To give the greatest assistance to the largest number the system must be simple, not complex. The aim should be to make it so plain that the man who only occasionally visits the Registry to look up some special piece of property will have little difficulty in finding what he wants. At the same time by a judicious arrangement, without making the index confusing, much additional information can be inserted which will be of valuable assistance to the expert examiner.

In its simplest form each instrument has a *grantor*, the one who parts with some right, and the *grantee*, the one who receives something. The grantor's name usually appears first and his signature is generally found at the end of the instrument. If the grantor is married and his wife releases her right of dower and homestead, her signature will also appear. It is customary not to index the

wife. If, however, the wife conveys the property in her own right and her husband is not mentioned in the beginning of the instrument but releases his right of curtesy, *both* names should be taken. The wife's name is taken without adding "et al.;" the husband's name is taken as an assistance simply, and should be followed with "'s ux," as "John Smith's ux." The theory being that a person searching the records may remember the Christian name of the husband, but not that of the wife; also that John Smith may have made many conveyances while his wife may have made only one, and that by adding "'s ux" this one conveyance is singled out and the necessity of looking up many references is often avoided. If we should take his name with "et ux" we would give too much prominence to the husband's act in this case and would not tell on the index his relation to the transaction.

There are cases where the husband and wife act jointly.

To indicate this we take "et ux" after the husband's name and "et al." after the wife's.

Do not be misled by signatures. Many instruments are signed by those acting in some official capacity. They may or may not be the grantors.

The main questions in indexing every instrument are: Who are the grantors? Whose property is being conveyed? Bear in mind that the chief object of an index is to assist the public to find who grants or parts with something and to whom the fee or right is transferred.

It is often advisable to take certain names simply for assistance.

There are many cases where some one acts for the grantor or record owner and signs, but the name of the grantor in whom the title stands is not signed.

Under this class are the estates of deceased persons which are represented by administrators or executors.

Administrators and executors do not hold the title, but their

names are taken as an assistance. A person may remember who made the conveyance but may not know to what estate it belonged.

In the same way a guardian does not hold the title to the real estate of his ward, but his name is indexed.

On the contrary the names of commissioners and sheriffs who conduct a single sale or make a division are soon forgotten and their names should not be taken.

We index the name of the mortgagee in a deed under power of sale, as he has a conditional title to the property but do not take the name of a collector in a tax sale. Neither do we take the name of an agent, attorney, constable, sheriff, president or treasurer of a corporation.

We index a receiver or assignee in bankruptcy, trustees, also trustees of associations (unincorporated) but not deacons or trustees of churches, trustees or directors of corporations.

We take the names of towns or cities, but not the names of those signing for them in an official capacity.

Generally when any one acts for another we affix to the name of the one who holds the record title, the capacity in which those who sign act, as "by Admr.," "by Exor.," "by Atty.," and when we take the name of the one who signs for another we affix to the name his capacity as "Admr.," "Exor.," "Mtgee.," "Tr."

"Est." following a name indicates that the person is dead.

When a conveyance is made by an administrator or executor we omit "Est." after the deceased person's name and simply affix "by Admr." or "by Exor.," but when the administrator or executor is grantee the estate is taken with the affix "Est."

When a trustee acts for a deceased person we do not affix "Est." but simply "Tr. of" when grantor and "'s Tr." when grantee.

Perhaps the most frequent use of an estate card occurs in the description where reference is made for title to a deceased person. In such cases it is often difficult to determine whether the estate should be