

To accompany the petition of George P. Davis relative to deeds and mortgages of undisclosed trusts. Joint Judiciary.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Twenty-Six.

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An Act relative to Deeds and Mortgages of Indisclosed Trusts.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section fourteen of chapter one hundred and  
2 eighty-three of the General Laws is hereby  
3 amended by adding thereto the following:—  
4 The use or appearance of the words, “trustee”  
5 or “as trustee” or “agent” or words of similar  
6 import, following the name of the grantee in any  
7 deed of conveyance or mortgage of land here-  
8 after executed and recorded, without other  
9 language showing a trust or expressly limiting  
10 the grantee’s powers, or for whose benefit the  
11 same is made, or other recorded instrument show-  
12 ing the same and the terms and provisions  
13 thereof, shall not, except as to persons having  
14 notice in fact of the trust or other limitation  
15 upon such grantee, be binding upon or deemed  
16 to give notice to or put upon inquiry any person  
17 dealing with said land that a trust or agency  
18 exists or that there are beneficiaries of said con-

19 veyance or mortgage other than the grantee and  
20 such as are disclosed by the record, or that there  
21 are limitations on the power of the grantee to  
22 convey or mortgage said land or to assign or  
23 release any mortgage held by such grantee:—  
24 so as to read as follows:— *Section 14.* When a  
25 conveyance or devise of real estate is made to a  
26 grantee or devisee to a use intended to be ex-  
27 ecuted by the statute of uses, the word “use”  
28 shall be employed in declaring the use; and  
29 provisions introduced by the words “in trust”,  
30 or other expressions that might otherwise create  
31 uses, shall be deemed to create trusts and not  
32 uses. If no use is declared in a conveyance or  
33 devise of real estate, the same shall take effect  
34 as if it were expressed to be for the use of the  
35 grantee or devisee. The use or appearance of  
36 the words, “trustee” or “as trustee” or “agent”  
37 or words of similar import, following the name  
38 of the grantee in any deed of conveyance or  
39 mortgage of land hereafter executed and recorded,  
40 without other language showing a trust or ex-  
41 pressly limiting the grantee’s powers, or for whose  
42 benefit the same is made, or other recorded  
43 instrument showing the same and the terms and  
44 provisions thereof, shall not, except as to per-  
45 sons having notice in fact of the trust or other  
46 limitation upon such grantee, be binding upon  
47 or deemed to give notice to or put upon inquiry  
48 any person dealing with said land that a trust  
49 or agency exists or that there are beneficiaries of  
50 said conveyance or mortgage other than the

51 grantee and such as are disclosed by the record,  
52 or that there are limitations on the power of  
53 the grantee to convey or mortgage said land or  
54 to assign or release any mortgage held by such  
55 grantee.

