

# HOUSE . . . . No. 397

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By Mr. Bentley of Swampscott, petition of Charles A. Southworth for an amendment of the law so as to provide a more definite form of notice of proceedings in the Land Court. Judiciary (Joint). Jan. 10.

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## The Commonwealth of Massachusetts.

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

An Act relative to the Form of Notice in the Land Court.

*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 thirty-eight of chapter one hundred and  
2 eighty-five of the General Laws is hereby amended  
3 by striking out all of said section after the word  
4 "follows" in the ninth line and inserting in place  
5 thereof the following:—

6 COMMONWEALTH OF MASSACHUSETTS.

7 *Land Court.*

8 *To (here insert the names of all persons known to have*  
9 *an adverse interest and the adjoining owners and*  
10 *occupants so far as known) and to all whom it may*  
11 *concern:*

12 Whereas a petition has been presented to said  
13 court by (name or names and address in full) to register  
14 and confirm his (or their) title in the following de-  
15 scribed land (insert description).

16 If you desire to make any objection or defense to  
 17 said petition you or your attorney must file a written  
 18 appearance and an answer under oath setting forth  
 19 clearly and specifically your objections or defense to  
 20 each part of said petition in the office of the recorder  
 21 of said court at the court house in Boston (or in the  
 22 office of the assistant recorder of said court at the  
 23 registry of deeds at \_\_\_\_\_ in the county of  
 24 \_\_\_\_\_ where a copy of the plan filed with said petition is  
 25 deposited) on or before the \_\_\_\_\_ day of  
 26 \_\_\_\_\_ next. Unless an appearance is so filed by  
 27 or for you, your default will be recorded, the said  
 28 petition will be taken as confessed, and you will be  
 29 forever barred from contesting said petition or any  
 30 decree entered thereon.

31 Witness, \_\_\_\_\_, judge of said court, this  
 32 \_\_\_\_\_ day of \_\_\_\_\_ in the year nineteen  
 33 hundred and \_\_\_\_\_

34 Attest with the seal of said court

35

*Recorder.*

36 so that said section as amended shall read as follows:—

37 *Section 38.* If, in the opinion of the examiner, the  
 38 petitioner has a good title as alleged, and proper for  
 39 registration, or if the petitioner, after an adverse  
 40 opinion of the examiner, elects to proceed further,  
 41 the recorder shall, immediately upon the filing of the  
 42 examiner's opinion, or upon the filing of the peti-  
 43 tioner's election, as the case may be, cause notice of  
 44 the filing of the petition to be published in a newspaper  
 45 published in the district where any portion of the land  
 46 lies. The notice shall be issued by order of the court,  
 47 attested by the recorder, and shall be in form sub-  
 48 stantially as follows:

## 49 COMMONWEALTH OF MASSACHUSETTS.

50 *Land Court.*

51 *To (here insert the names of all persons known to have*  
52 *an adverse interest, and the adjoining owners and*  
53 *occupants, so far as known), and to all whom it may*  
54 *concern:*

55 Whereas a petition has been presented to said court  
56 by (name or names and address in full) to register and  
57 confirm his (or their) title in the following described  
58 land (insert description).

59 If you desire to make any objection or defense to  
60 said petition you or your attorney must file a written  
61 appearance and an answer under oath setting forth  
62 clearly and specifically your objections or defense to  
63 each part of said petition in the office of the recorder  
64 of said court at the court house in Boston (or in the  
65 office of the assistant recorder of said court at the  
66 registry of deeds at \_\_\_\_\_ in the county of  
67 \_\_\_\_\_ where a copy of the plan filed with said  
68 petition is deposited) on or before the \_\_\_\_\_ day  
69 of \_\_\_\_\_ next. Unless an appearance is so filed  
70 by or for you, your default will be recorded, the  
71 said petition will be taken as confessed, and you will  
72 be forever barred from contesting said petition or any  
73 decree entered thereon.

74 Witness, \_\_\_\_\_, judge of said court, this  
75 \_\_\_\_\_ day of \_\_\_\_\_ in the year nineteen hun-  
76 dred and \_\_\_\_\_

77 Attest with the seal of said court

78

*Recorder.*

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