

By Mr. Green of Cambridge, petition of Thomas Leighton and another for legislation relative to owners' duplicate certificates of title of registered land. Legal Affairs. Jan. 17.

The Commonwealth of Massachusetts

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

An Act relative to Duplicate Certificates of Title of Registered Land.

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 1. Section forty-eight of chapter one
2 hundred and eighty-five of the General Laws is
3 hereby amended by adding to the end thereof the
4 following:—Said owner's duplicate certificate as
5 required in this section, or any other section of this
6 chapter, may be produced by photographic process
7 from the original certificate, either in whole or in
8 part, and for all the purposes of an owner's dupli-
9 cate certificate the photographic copy of an assist-
10 ant recorder's signature thereon shall be deemed
11 to be the actual written signature of said assistant
12 recorder,—said section as amended shall read as
13 follows:—*Section 48.* Immediately upon the
14 entry of the decree of registration, the recorder
15 shall send a certified copy thereof, under the seal of
16 the court, to the register of deeds for the district
17 or districts where the land lies, and the register, as
18 assistant recorder, shall transcribe the decree in a

19 book to be called the registration book, in which
20 a leaf or leaves in consecutive order shall be de-
21 voted exclusively to each title, and note therein the
22 day, hour and minute when said decree is
23 transcribed. The entry made by the assistant
24 recorder in this book in each case shall be the orig-
25 inal certificate of title, shall be signed by him and
26 sealed with the seal of the court. All certificates of
27 title shall be numbered consecutively, beginning with
28 number one. The assistant recorder shall in each
29 case make an exact duplicate of the original certi-
30 ficate including the seal, but putting on it the words
31 "Owner's duplicate certificate", and deliver it to
32 the owner or to his duly authorized attorney. In
33 case of a variance between the owner's duplicate
34 certificate and the original certificate, the original
35 shall prevail. The certified copy of the decree of
36 registration shall be filed and numbered by the
37 assistant recorder, with a reference noted on it
38 to the place of record of the original certificate of
39 title. If, however, a petition includes land lying
40 in more than one district, the court shall cause the
41 part lying in each district to be described separately
42 by metes and bounds in the decree or decrees of
43 registration, the recorder shall send to the assistant
44 recorder for each registry district a copy of the de-
45 cree containing a description of the land within that
46 district, and the assistant recorder shall register
47 the same and issue an owner's duplicate there-
48 for; and thereafter, for all matters pertaining to
49 registration, the portion in each district shall be
50 treated as a separate parcel of land. Said owner's
51 duplicate certificate as required in this section, or
52 any other section of this chapter, may be produced

53 by photographic process from the original certifi-
54 cate, either in whole or in part, and for all the
55 purposes of an owner's duplicate certificate the
56 photographic copy of an assistant recorder's signa-
57 ture thereon shall be deemed to be the actual writ-
58 ten signature of said assistant recorder.

1 SECTION 2. Section sixty-eight of said chapter
2 is hereby amended by striking out in lines nine to
3 fourteen inclusive the following, "The assistant
4 recorder shall also, at the request of the mortgagee,
5 make out and deliver to him a duplicate of the certi-
6 ficate of title like the owner's duplicate, except that
7 the words 'Mortgagee's duplicate' shall be stamped
8 upon it in large letters diagonally across its face.
9 A memorandum of the issue of the mortgagee's
10 duplicate shall be made upon the original certificate
11 of title."—so that said section as amended shall
12 read as follows:—*Section 68.* Registration of a
13 mortgage shall be made in the following manner:
14 The owner's duplicate certificate shall be presented
15 to the assistant recorder with the mortgage deed,
16 and he shall enter upon the original certificate
17 of title and also upon the owner's duplicate
18 certificate a memorandum of the purport of the
19 mortgage deed, the time of filing and the file number
20 of the deed, and shall sign the memorandum.
21 He shall also note upon the mortgage deed the time
22 of filing and a reference to the volume and page
23 of the registration book in which it is registered.

1 SECTION 3. Section sixty-nine of said chapter
2 is hereby amended by striking out in lines one to
3 eleven inclusive, the following, "If a mortgage

4 upon which a mortgagee's duplicate has been issued
5 is assigned, extended or otherwise dealt with, the
6 mortgagee's duplicate shall be presented with the
7 instrument which assigns, extends or otherwise
8 deals with the mortgage, and a memorandum of the
9 instrument shall be made upon the mortgagee's du-
10 plicate certificate. When the mortgage is discharged
11 or otherwise extinguished, the mortgagee's dupli-
12 cate certificate shall be surrendered and stamped
13 'cancelled'. The production of the mortgagee's du-
14 plicate certificate shall be conclusive authority to
15 register the instrument therewith presented, sub-
16 ject, however, to all the provisions and exceptions
17 contained in section sixty-three, so far as applica-
18 ble.'',—so that said section as amended shall read
19 as follows:—*Section 69.* A mortgage on registered
20 land may be discharged by the mortgagee in person
21 on the registration book in the same manner as a
22 mortgage on unregistered land may be discharged
23 by an entry on the record book in the registry of
24 deeds, and such discharge shall be attested by an
25 assistant recorder.

1 SECTION 4. Section seventy-one of said chapter
2 is hereby amended by striking out in lines two to
3 five inclusive, the following, "A lessee's duplicate
4 certificate may be issued to the lessee upon his re-
5 quest, subject to the provisions hereinbefore made
6 relative to a mortgagee's duplicate certificate, so
7 far as applicable.'',—so that said section as
8 amended shall read as follows:—*Section 71.*
9 Leases of registered land for a term of seven years
10 or more shall be registered in lieu of recording.