

HOUSE No. 591.

HOUSE OF REPRESENTATIVES, Jan. 31, 1902.

[Introduced on leave by Mr. Draper of Boston. Judiciary.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Two

AN ACT

Relating to Appeals from the Court of Land Registration.

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 thirteen of chapter one hundred
2 and twenty-eight of the Revised Laws is hereby amended
3 by striking out from the thirteenth line thereof the words
4 "In such case, issues for the jury shall be framed", and
5 by adding after the word "relates" in the third line
6 thereof the words:— as to any question of fact, or as to
7 any matter within the discretion of the court, involved
8 therein,— and by adding after the word "entered" in the
9 fourth line thereof the words:— and issues of fact framed
10 therefor in the court of land registration,— so that sec-
11 tion thirteen will read as follows:—

12 *Section 13.* Every order, decision and decree of
13 the court shall be subject to appeal to the superior court
14 for the county in which the land lies, to which such
15 order, decision or decree relates, as to any question of
16 fact, or as to any matter within the discretion of the
17 court, involved therein. The appeal shall be claimed
18 and entered, and issues of fact framed therefor in the
19 court of land registration, within thirty days after the
20 date of such order, decision or decree, and upon the entry
21 of the appeal the appellant shall file in the superior court
22 copies of all material papers in the case, certified by the
23 recorder. Appearances and answers shall be filed in the
24 superior court within thirty days after the appeal has
25 been entered, unless for good cause further time is al-
26 lowed. Upon the motion of either party, the cause shall
27 be advanced for speedy hearing, and shall be tried by the
28 court, unless either party within the time allowed for
29 entering appearances claims a trial by jury. Questions
30 of law arising in the superior court may be taken to the
31 supreme judicial court for revision by any party ag-
32 grieved by any opinion, ruling, direction or judgment
33 of the court, in the same manner as in proceedings at
34 law in said court.

35 Questions of law arising in the court of land registra-
36 tion on any decision or decree may be taken by any
37 party direct to the supreme judicial court for revision, in
38 the same manner as questions of law are taken to that
39 court from the superior court. The court of land regis-
40 tration, after any decision or decree dependent upon a
41 question of law, may report such decision or decree, with
42 so much of the case as is necessary for understanding
43 such questions of law, for the determination of the su-
44 preme judicial court.

1 SECTION 2. This act shall take effect upon its passage.