

HOUSE No. 359.

[House No. 192 as passed to be engrossed by the House.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Seven.

AN ACT

Relative to Proceedings affecting the Title to Real Estate.

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

1 SECT. 1. No writ of entry, petition for parti-
2 tion, or other proceeding, either in law or equity,
3 affecting the title to real estate, shall affect persons
4 other than the parties thereto, their heirs and dev-
5 isees, and persons having actual notice thereof,
6 until a memorandum containing the names of the
7 parties to such proceeding, the court in which it is
8 pending, the date of the writ or other proceeding,
9 and the name of the city or town in which the real
10 estate liable to be affected is situated, together

11 with a description of such real estate sufficiently
12 accurate for identification, shall be recorded in the
13 registry of deeds for the county or district in
14 which such real estate lies. But this act shall
15 not be construed to apply to attachments or levies
16 of execution, which shall continue to be subject
17 to the provisions of law now in force in relation
18 thereto, nor to proceedings in the probate courts
19 or upon appeals therefrom.

1 SECT. 2. At any time after final judgment or
2 decree in favor of the defendant, or the discontin-
3 uance, dismissal or other final disposition of the
4 suit, by consent of parties or otherwise, or in case
5 of the non-entry of the writ, petition or bill of
6 complaint mentioned in section one, the clerk of
7 the court wherein such judgment, decree, discon-
8 tinuance, dismissal or other final disposition is
9 recorded, or out of which such writ issued, or to
10 which such petition or bill of complaint was ad-
11 dressed, shall, upon demand, give a certificate of
12 the fact of such judgment, decree, discontinuance,
13 dismissal, final disposal or non-entry, which may
14 be recorded in the registry wherein the original
15 record mentioned in section one was made.

1 SECT. 3. All laws relating to the recording of
2 deeds and other instruments shall apply to the
3 memoranda specified in the first section of this
4 act. Nothing herein contained shall apply to or
5 in any manner affect any cases now pending.

HOUSE OF REPRESENTATIVES, May 2, 1877.

Passed to be engrossed.

Sent up for concurrence.

GEO. A. MARDEN, *Clerk.*

