

certificates of indebtedness, establish a sinking fund, into which shall be paid any premiums received on the sale of said bonds, and he shall apportion thereto from year to year, in addition, amounts sufficient with the accumulations to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Proceeds of sales of bonds to be paid into the state treasury.

SECTION 9. From the proceeds of the sale of the bonds referred to in section eight of this act there shall be paid into the treasury of the Commonwealth such amounts as may have been already expended under the authority of chapter three hundred and forty-seven of the acts of the year eighteen hundred and ninety-eight.

Repeal.

SECTION 10. Chapter three hundred and forty-seven of the acts of the year eighteen hundred and ninety-eight is hereby repealed.

Provisions not to apply in certain cases.

SECTION 11. The provisions of this act shall not apply to any inhabitant of this Commonwealth who has enlisted, or who may hereafter enlist, in the corps of other states or territories.

SECTION 12. This act shall take effect upon its passage.

*Approved June 22, 1898.*

**Chap. 562** AN ACT TO PROVIDE FOR REGISTERING AND CONFIRMING TITLES TO LAND.

*Be it enacted, etc., as follows:*

Land Registration Act.

SECTION 1. This act may be cited as the Land Registration Act.

COURT OF REGISTRATION.

Court of registration established.

SECTION 2. A court is hereby established, to be called the Court of Registration, which shall have exclusive original jurisdiction of all applications for the registration of title to land within the Commonwealth, with power to hear and determine all questions arising upon such applications, and also shall have jurisdiction over such other questions as may come before it under this act, subject however to the right of appeal, as hereinafter provided.

Sittings of court.

The court shall hold its sittings in Boston, but may adjourn from time to time to such other places as the public convenience may require. In the county of Suffolk the board of aldermen of the city of Boston, and in

other counties the county commissioners, shall provide suitable rooms for the sittings of the court of registration, in the same building with or convenient to the probate court or the registry of deeds, and shall provide all necessary books and such printed blanks and stationery for use in registration proceedings as may be ordered by the court.

The court shall have jurisdiction throughout the Commonwealth, and shall always be open, except on Sundays and holidays established by law. It shall be a court of record, and shall cause to be made a seal, and to be sealed therewith all orders, process and papers made by or proceeding from the court and requiring a seal. All notices, orders and process of said court may run into any county and be returnable as the court may direct.

Jurisdiction of court.

The court shall from time to time make general rules and forms for procedure, conforming as near as may be to the practice in the probate courts, but subject to the express provisions of this act and to general laws. Such rules and forms before taking effect shall be approved by the supreme judicial court or a justice thereof.

Court to make rules, etc.

In this act, except where the context requires a different construction, the word court shall mean the court of registration.

Word "court" defined.

SECTION 3. The governor, with the advice and consent of the council, shall appoint two judges of the court of registration, one of whom shall be appointed, commissioned and qualified as judge of registration, and the other as assistant judge of registration, each to hold his office during good behavior; and any vacancy shall be filled in the manner provided by the constitution.

Appointment of judges.

SECTION 4. The authority and jurisdiction of the court of registration shall begin and take effect as soon as the judges thereof are appointed and qualified. The court may be held by a single judge, and when so held shall have all the authority and jurisdiction committed to said court. Different sessions may be held at the same time, either in the same county or in different counties, as the judges may decide, and they shall so arrange the sessions as to insure a prompt discharge of the business of the court.

Authority to begin as soon as judges are appointed, etc.

SECTION 5. Citations, orders of notice, and all other process issuing from the court shall bear test of the judge of registration, and be under the seal of the court and signed by the clerk.

Citations to bear test of the judge.

Vacancies.

SECTION 6. In case of a vacancy in the office of judge of registration, or of his absence or inability to perform his duties, the assistant judge shall perform them, until the vacancy is filled or any disability is removed.

Recorder to be appointed, etc.

SECTION 7. The governor, with the advice and consent of the council, shall appoint a recorder, who shall be clerk of the court, and who shall hold his office for the term of five years. He shall attend the sessions of the court and keep a docket of all causes, and shall affix the seal of the court to all process or papers proceeding therefrom and requiring a seal.

Duties of recorder.

SECTION 8. The recorder shall be under the direction of the court, and shall have the custody and control of all papers and documents filed with him under the provisions of this act, and shall carefully number and index the same. Said papers and documents shall be kept in Boston in an office to be called the Land Registration Office, which shall be near the court of registration. The recorder shall have authority, with the sanction of the court, to employ such assistants and messengers as may be necessary.

Recorder may act in any county.

SECTION 9. The recorder may act in any county, and after land has been registered under this act he may make all memoranda affecting the title, and enter and issue certificates of title as provided herein.

Registers of deeds to have same authority as recorder.

SECTION 10. The registers of deeds in each registry district, after any land within their respective districts has been registered under this act, shall have the same authority as the recorder to make all memoranda affecting the title of such land, and to enter and issue new certificates of title as provided herein, and to affix the seal of the court to such certificates and duplicate certificates of title; but in executing the provisions of this act the registers of deeds shall be subject to the general direction of the recorder, in order to secure uniformity throughout the Commonwealth; and their official designation shall be assistant recorders for the registry district in which they are severally registers of deeds. In case of the death or disability of the recorder the assistant recorder for the Suffolk district shall perform the duties of the recorder until the vacancy is filled or the disability removed.

Recorder and assistants to be sworn, etc.

SECTION 11. The recorder and all assistant recorders shall be sworn before the judge of registration, and a record thereof shall be made. They shall give bond in a

sum to be fixed by the court, for the faithful performance of their official duties, before entering upon the same. They may administer oaths in all cases in which an oath is required, to persons appearing before them in matters pertaining to the registration of land. They shall keep accurate accounts of all moneys received as fees or otherwise, which shall be subject to examination by the controller of county accounts, in the same manner as accounts of registers of deeds, and they shall pay over such moneys quarterly to the treasurer of the Commonwealth. In case of the absence of any assistant recorder the assistant register for the district, or if there is no assistant register the person acting as clerk in the office of the register of deeds, shall perform the duties of the assistant recorder, and the assistant recorder shall be responsible for him.

SECTION 12. The judge of registration may appoint one or more examiners of title in each county, who shall be attorneys at law, and shall be subject to removal by the supreme judicial court.

Examiners of title to be appointed.

SECTION 13. The salary of the judge of registration shall be forty-five hundred dollars a year. The salary of the assistant judge of registration shall be four thousand dollars a year. The salaries of the recorder, assistant recorders, examiners of titles, and all assistants and messengers shall be fixed by the governor and council. All salaries and expenses of the court shall be paid from the treasury of the Commonwealth.

Salaries.

SECTION 14. Every order, decision and decree of the court of registration shall be subject to appeal to the superior court for the county where the land lies, concerning which the order, decision or decree appealed from was made. The appeal shall be claimed and entered within thirty days from the date of such order, decision or decree, and the party appealing shall at the time of entering his appeal file in the superior court copies of all material papers in the case, certified by the recorder. Appearances and answers shall be filed in the superior court within thirty days after the appeal is entered, unless for good cause further time is allowed, and upon the motion of either party the cause shall be advanced for speedy hearing, and shall be tried by the court, unless either party within the time allowed for entering appearance claims trial by jury, in which case issues for the jury shall be framed. Questions of law arising in the superior court

Orders, decisions, subject to appeal, etc.

may be taken to the supreme judicial court for revision by any party aggrieved, in the same manner as in proceedings at law in the superior court.

Final decision  
to be certified  
to court.

SECTION 15. At the end of the proceedings on appeal the clerk of the superior court shall certify to the court of registration the final decision on the appeal, and the court of registration shall enter the final decree in the cause, in accordance with the certificate of the clerk of the superior court.

Appeals.

SECTION 16. If the party appealing does not duly prosecute his appeal within the time limited the original order, decision or decree shall stand as if no appeal had been taken.

Court may  
enforce its  
orders.

SECTION 17. The court of registration in all matters over which it has jurisdiction may enforce its orders or decrees, in the same manner as decrees are enforced in equity, and upon the request of the judge of registration the sheriff of any county shall assign a deputy to attend the sittings of the court in that county.

Costs.

SECTION 18. Costs shall be taxed as in the superior court sitting in equity, where no different provision is made.

#### ORIGINAL REGISTRATION.

Applications for  
registration.

SECTION 19. Application for registration of title may be made by the following persons, namely :

First. The person or persons claiming, singly or collectively, to own the legal estate in fee simple.

Second. The person or persons claiming, singly or collectively, to have the power of appointing or disposing of the legal estate in fee simple.

Third. Infants and other persons under disability may make application by their legally appointed guardians ; but the person in whose behalf the application is made shall be named as applicant.

Provided.

Fourth. Corporations may make application by any officer duly authorized by a vote of the directors : *provided, however,* that one or more tenants for a term of years, which is regarded as a fee simple in section one of chapter one hundred and twenty-one of the Public Statutes, shall not be allowed to make application except jointly with those claiming the reversionary interest which makes up the fee simple at common law ; nor shall a mortgagor make application without the consent in writing of the mortgagee ; nor a married woman without the consent in

writing of her husband, unless she holds the land as her separate property or has a power to appoint the same in fee simple, or has obtained a decree of the probate court under the provisions of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-five, as amended by chapter two hundred and ninety of the acts of the year eighteen hundred and eighty-seven; nor one or more tenants claiming undivided shares less than a fee simple in the whole land described in the application.

SECTION 20. The application may be filed with the recorder, or with the assistant recorder at the registry of deeds for the district in which the land, or any portion thereof, lies. Upon filing his application the applicant shall forthwith cause to be filed in the registry of deeds for the said district or districts a memorandum stating that application for registration has been filed, and the date and place of filing, and a copy of the description of the land contained in the application. This memorandum shall be recorded and indexed by the register with the records of deeds. Each assistant recorder shall also keep an index of all applications in his district, and in every case where the application is filed with him shall, after recording, transmit the same, with the papers and plans filed therewith, to the recorder.

Application to be filed, etc.

SECTION 21. The application shall be in writing, signed and sworn to by the applicant or by some person duly authorized in his behalf. If there is more than one applicant the application shall be signed and sworn to by or in behalf of each. It shall contain a description of the land, and shall state whether the applicant is married; and if married the name of the wife or husband; and if unmarried whether he or she has been married, and if so, when and how the marriage relation terminated; and if by divorce, when, where and by what court the divorce was granted. It shall also state the name in full and the address of the applicant, and also the names and addresses of the adjoining owners and occupants, if known; and if not known it shall state what search has been made to find them. It may be in form as follows:

Application to be in writing, etc.

COMMONWEALTH OF MASSACHUSETTS.

*To the Honorable the Judge of the Court of Registration.*

I (or we) the undersigned, hereby apply to have the land hereinafter described brought under the operation and provisions of the land registration act, and to have my (or our) title therein registered

Form of application.

and confirmed. And I (or we) declare: (1) That I am (or we are) the owner (or owners) in fee simple of a certain parcel of land with the buildings (if any, and if not, strike out the clause), situate in (here insert accurate description). (2) That said land at the last assessment for taxation was assessed at            dollars; and the buildings (if any) at            dollars. (3) That I (or we) do not know of any mortgage or encumbrance affecting said land, or that any other person has any estate or interest therein, legal or equitable, in possession, remainder, reversion or expectancy. (If any, add "other than as follows", and set forth each clearly.) (4) That I (or we) obtained title (if by deed, state name of grantor, date and place of record, and file the deed or state reason for not filing. If in any other way, state it). (5) That said land is            occupied. (If occupied state name in full and place of residence and post office address of occupant and the nature of his occupancy. If unoccupied, insert "not.") (6) That the names in full and addresses as far as known to me (or us) of the occupants of all lands adjoining said land are as follows: (Give street and number wherever possible. If names not known state whether inquiry has been made, and what inquiry.) (7) That the names and addresses so far as known to me (or us) of the owners of all lands adjoining the above land are as follows: (Same directions as above.) (8) That I am (or we are) married. (Follow literally the directions given in section twenty-one of the land registration act.) (9) That my (or our) full name (or names), residence and post office address is (or are) as follows:

Dated this            day of            in the year eighteen hundred and ninety-

(Schedule of documents.)

(Signature.)

COMMONWEALTH OF MASSACHUSETTS.

ss.

189 .

Then personally appeared the above named           , known to me to be the signer (or signers) of the foregoing application, and made oath that the statements made therein, so far as made of his (or their) own knowledge are true, and so far as made upon information and belief, that he (or they) believe them to be true, before me,

*Justice of the Peace.*

Application of person not a resident of the Commonwealth.

SECTION 22. If the applicant is not a resident of the Commonwealth he shall file with his application a paper appointing an agent residing in the Commonwealth, giving his name in full and post office address, and shall therein agree that the service of any legal process in proceedings under or growing out of the application shall be of the same legal effect when made on said agent, as if made on the applicant within the Commonwealth. If the agent dies, or removes from the Commonwealth, the applicant shall at once make another appointment: and if he fails to do so the court may dismiss the application.

SECTION 23. Amendments to the application, including joinder, substitution, or discontinuing as to parties, shall be allowed by the court at any time upon terms that are just and reasonable; but all amendments shall be in writing, signed and sworn to, like the original.

Amendments to application.

SECTION 24. An application may include two or more contiguous parcels of land within the same registry district. But two or more persons claiming in the same parcels different interests, which collectively make up the legal estate in fee simple in each parcel, shall not join in one application for more than one parcel unless their interests are alike in each and every parcel. The court may at any time order an application to be amended by striking out one or more of the parcels, or by a severance of the application.

Application may include two or more parcels of land.

SECTION 25. If the application describes the land as bounded on a public or private way it shall state whether or not the applicant claims any and what land within the limits of the way, and whether the applicant desires to have the line of the way determined.

Land bounded on a public or private way.

SECTION 26. The applicant shall file with the application a plan of the land, and all original muniments of title within his control mentioned in the schedule of documents. Such original muniments as affect land not included in the application may be withdrawn on filing certified copies of the same. When an application is dismissed or discontinued the applicant may, with the consent of the court, withdraw such original muniments of title.

Plan to be filed with application.

SECTION 27. When an application is made subject to an existing mortgage or lease, executed by the applicant or some predecessor in title, the applicant shall file with the application a certified copy of the mortgage or lease, and cause the original to be presented for registration, before a decree of registration is entered.

When application is made subject to mortgage, etc., certified copy of mortgage to be filed.

SECTION 28. The court may by general rule require facts to be stated in the application in addition to those prescribed by this act, and not inconsistent therewith, and may require the filing of any additional papers.

Court may require certain facts to be stated.

SECTION 29. After the filing of an application, and before registration, the land therein described may be dealt with, and instruments relating thereto shall be recorded in the same manner as if no such application had been filed; but all instruments left for record relating to

Land may be dealt with as if no application had been filed, etc.

such land shall be indexed in the usual manner in the registry indexes, and also in the index of applications. As soon as an application is disposed of the recorder shall make a memorandum stating the disposition of the case, and shall send the same to the register of deeds for the proper district or districts, who shall record and index it with the records of deeds, and in the index of applications. If the proceedings upon the application end in a decree of registration of title the land included therein shall, as soon as the said decree is transcribed, as hereinafter provided in section forty-one, become registered land, and thereafter no deeds or other instruments relating solely to such land shall be recorded with the records of deeds, but shall be registered in the registration book and filed and indexed with the records and documents relating to registered land.

Application to be referred to examiners of title.

SECTION 30. Immediately after the filing of an application the court shall enter an order referring it to one of the examiners of title, who shall search the records and investigate all facts stated in the application, or otherwise brought to his notice, and file in the case a report thereon, concluding with a certificate of his opinion upon the title. The recorder shall give notice to the applicant of the filing of such report. If the opinion of the examiner is adverse to the applicant he shall be allowed by the court a reasonable time in which to elect to proceed further or to withdraw his application. The election shall be made in writing and filed with the recorder.

Notice of filing of application to be published.

SECTION 31. If, in the opinion of the examiner, the applicant has a good title as alleged, and proper for registration, or, if the applicant after an adverse opinion of the examiner, elects to proceed further, the recorder shall, immediately upon the filing of the examiner's opinion, or the applicant's election, as the case may be, cause notice of the filing of the application to be published by the recorder in some newspaper published in the district where any portion of the lands lie. The notice shall be issued by the order of the court, attested by the recorder, and shall be in form substantially as follows :

#### REGISTRATION OF TITLE.

SUFFOLK SS.

COURT OF REGISTRATION.

Form of notice.

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

WHEREAS an application has been presented to said court by (name or names and address in full) to register and confirm his (or their) title in the following described land (insert description).

You are hereby cited to appear at the court of registration to be held at \_\_\_\_\_, in said county of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_, at \_\_\_\_\_ o'clock in the forenoon, to show cause, if any you have, why the prayer of said application should not be granted. And unless you appear at said court at the time and place aforesaid your default will be recorded, and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

WITNESS \_\_\_\_\_, Esquire, judge of said court, this \_\_\_\_\_ day of \_\_\_\_\_ in the year eighteen hundred and ninety-  
 Attest:

*Recorder.*

SECTION 32. The return day of said notice shall be not less than twenty nor more than sixty days from the date of issue. The court shall also, within seven days after publication of said notice in a newspaper, cause a copy of the same to be mailed by the recorder to every person named therein whose address is known. The court shall also cause a duly attested copy of the notice to be posted in a conspicuous place on each parcel of land included in the application, by a sheriff or deputy sheriff, fourteen days at least before the return day thereof, and his return shall be conclusive proof of such service. If the applicant requests to have the line of a public way determined the court shall order notice to be given by the recorder, by mailing a registered letter to the mayor of the city or to one of the selectmen of the town or towns in which the land lies, or, if the way is a highway, to one of the county commissioners of the county or counties in which the land lies. If the land borders on a river, navigable stream or shore, or on an arm of the sea where a river or harbor line has been established, or on a great pond, or if it otherwise appears from the application or the proceedings that the Commonwealth may have a claim adverse to that of the applicant, notice shall be given in the same manner to the attorney-general. The court may also cause other or further notice of the application to be given in such manner and to such persons as it may deem proper. The certificate of the recorder that he has served the notice as directed by the court, by publishing or mailing, shall be filed in the case before the return day, and shall be conclusive proof of such service.

Return day of notice, etc.

SECTION 33. Upon the return day of the notice, and proof of service of all orders of notice issued, the court

Guardian ad litem may be appointed for minors.

may appoint a disinterested person to act as guardian ad litem for minors, and for all persons not in being who may have an interest. The compensation of the guardian or agent shall be determined by the court and paid as part of the expenses of the court.

Any person claiming an interest may appear and file answer.

SECTION 34. Any person claiming an interest, whether named in the notice or not, may appear and file an answer on or before the return day, or within such further time as may be allowed by the court. The answer shall state all objections to the application, and shall set forth the interest claimed by the party filing the same, and shall be signed and sworn to by him or by some person in his behalf.

Court may order default in certain cases.

SECTION 35. If no person appears and answers within the time allowed the court may at once upon motion of the applicant, no reason to the contrary appearing, order a general default to be recorded and the application to be taken for confessed. By the description in the notice, "to all whom it may concern", all the world are made parties defendant and shall be concluded by the default and order. After such default and order the court may enter a decree confirming the title of the applicant and ordering registration of the same. The court shall not be bound by the report of the examiner of title, but may require other or further proof.

Cause shall be set down for hearing, etc.

SECTION 36. If in any case an appearance is entered and answer filed the cause shall be set down for hearing on the motion of either party, but a default and order shall first be entered against all persons who do not appear and answer, in the manner provided in the preceding section. The court may refer the cause or any part thereof to one of the examiners of title, as master, to hear the parties and their evidence, and make report thereof to the court. His report shall have the same weight as that of a master appointed by the superior court in equity, and he shall proceed according to the rules of said court applicable to masters, except as the same may be modified by the rules of the court of registration. The court may in any case before decree require a survey to be made for the purpose of determining boundaries, and may order durable bounds to be set, and referred to in the application, by amendment. The expense of survey and bounds shall be taxed in the costs of the case and may be apportioned among the parties as justice may require. If no persons

appear to oppose the application such expense shall be borne by the applicant.

SECTION 37. If in any case the court finds that the applicant has not title proper for registration a decree shall be entered dismissing the application, and such decree may be ordered to be without prejudice. The applicant may withdraw his application at any time before final decree, upon terms to be fixed by the court.

Court may dismiss the application in certain cases.

SECTION 38. If the court after hearing finds that the applicant has title as stated in his application, and proper for registration, a decree of confirmation and registration shall be entered. Every decree of registration shall bind the land, and quiet the title thereto, subject only to the exceptions stated in the following section. It shall be conclusive upon and against all persons, including the Commonwealth, whether mentioned by name in the application, notice or citation, or included in the general description "to all whom it may concern." Such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law or in equity for reversing judgments or decrees; subject however to the right of any person deprived of land or of any estate or interest therein by a decree of registration obtained by fraud to file a petition for review within one year after the entry of the decree, provided no innocent purchaser for value has acquired an interest. If there is any such purchaser the decree of registration shall not be opened but shall remain in full force and effect forever, subject only to the right of appeal hereinbefore provided. But any person aggrieved by such decree in any case may pursue his remedy by action of tort against the applicant or any other person for fraud in procuring the decree.

If applicant has title decree of confirmation shall be entered, etc.

SECTION 39. Every applicant receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith, shall hold the same free from all encumbrances except those noted on the certificate, and any of the following encumbrances which may be subsisting, namely:

Applicant receiving certificate of title to hold the same free of all encumbrance, except, etc.

First. Liens, claims or rights arising or existing under the laws or constitution of the United States which the statutes of this Commonwealth cannot require to appear of record in the registry.

Second. Taxes within two years after the same have been committed to the collector.

Third. Any highway, town way, or any private way laid out under the provisions of section sixty-five of chapter forty-nine of the Public Statutes or any act in amendment thereof or in substitution therefor, where the certificate of title does not state that the boundary of such way has been determined.

Fourth. Any lease for a term not exceeding seven years.

Fifth. Any liability to assessment for betterments, or other statutory liability which may attach to land in this Commonwealth as a lien prior to, or independent of, the recording or registering of any paper: *provided, however*, that if there are easements or other rights appurtenant to a parcel of registered land which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

Proviso.

Sixth. Any conveyances, liens or other encumbrances made subsequent to the filing of the application for original registration and prior to the transcription of the decree for registration by the assistant recorder.

Seventh. Any attachments on mesne process.

Date of decree of registration, etc.

SECTION 40. Every decree of registration shall bear date of the year, day, hour and minute of its entry, and shall be signed by the recorder. It shall state whether the owner is married or unmarried, and if married the name of the husband or wife. If the owner is under disability it shall state the nature of the disability, and if a minor shall state his age. It shall contain a description of the land as finally determined by the court, and shall set forth the estate of the owner, and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments and other encumbrances, including rights of husband or wife, if any, to which the land or the owner's estate is subject, and may contain any other matter properly to be determined in pursuance of this act. The decree shall be stated in a convenient form for transcription upon the certificates of title hereinafter mentioned.

Certified copy of decree to be sent to register of deeds, etc.

SECTION 41. Immediately upon the entry of the decree of registration the recorder shall send a certified copy thereof, under the seal of the court, to the register of deeds for the district or districts in which the lands lie,

and the register as assistant recorder shall transcribe the decree in a book to be called the registration book, in which a leaf or leaves in consecutive order shall be devoted exclusively to each title. The entry made by the assistant recorder in this book in each case shall be the original certificate of title, and shall be signed by him and sealed with the seal of the court. All certificates of title shall be numbered consecutively, beginning with number one. The assistant recorder shall in each case make an exact duplicate of the original certificate, including the seal, but putting on it the words, "Owner's duplicate certificate", and deliver the same to the owner, or to his attorney duly authorized. In case of a variance between the owner's duplicate certificate and the original certificate the original shall prevail. The certified copy of the decree of registration shall be filed and numbered by the assistant recorder, with a reference noted on it to the place of record of the original certificate of title: *provided, however*, that when an application includes land lying in more than one district the court shall cause the part lying in each district to be described separately by metes and bounds in the decree of registration, and the recorder shall send to the assistant recorder for each registry district a copy of the decree containing a description of the land within that district, and the assistant recorder shall register the same and issue an owner's duplicate therefor, and thereafter for all matters pertaining to registration under this act the portion in each district shall be treated as a separate parcel of land.

Proviso.

SECTION 42. The certificate first registered in pursuance of a decree of registration in regard to any parcel of land shall be entitled in the registration book, "Original certificate of title, entered pursuant to decree of the court of registration, dated at" (stating time and place of entry of decree and the number of the case). The certificate shall take effect from the date of the transcription of the decree. Subsequent certificates relating to the same land shall be in like form, but shall be entitled "Transfer from No. " (the number of the next previous certificate relating to the same land), and also the words "Originally registered" (date, volume and page of registration).

Entry of decree in registration book.

SECTION 43. Where two or more persons are registered owners as tenants in common, or otherwise, one owner's duplicate certificate may be issued for the whole land or

Duplicate certificate may be issued in certain cases.

a separate duplicate may be issued to each for his undivided share.

Person holding one duplicate certificate may surrender it and take out certificates for different parcels of land.

SECTION 44. A registered owner holding one duplicate certificate for several distinct parcels of land may surrender it, with the approval of the court, and take out several certificates for portions thereof. So a registered owner holding separate duplicate certificates for several distinct parcels may surrender them, and, with like approval, take out a single duplicate certificate for the whole land, or several certificates for different portions thereof. Any owner subdividing a tract of registered land into lots shall file with the recorder a plan of such land, when applying for a new certificate or certificates, and the court before issuing the same shall cause the plan to be verified, and require that all boundaries, streets and passageways shall be distinctly and accurately delineated thereon.

Decree of registration to be agreement binding upon applicant, etc.

SECTION 45. The obtaining of a decree of registration and the entry of a certificate of title shall be regarded as an agreement running with the land, and binding upon the applicant and all his successors in title that the land shall be and forever remain registered land, and subject to the provisions of this act and of all acts in amendment hereof.

Title not to be acquired by prescription, etc.

SECTION 46. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession.

Original certificate or copy to be received as evidence.

SECTION 47. The original certificate in the registration book, any copy thereof duly certified under the signature of the recorder or an assistant recorder, and the seal of the court, and also the owner's duplicate certificate, shall be received as evidence in all the courts of the Commonwealth, and shall be conclusive as to all matters contained therein, except so far as otherwise provided in this act.

Certificate of title to contain names of all persons interested.

SECTION 48. Every certificate of title shall set forth the names of all the persons whose estates make up the estate in fee simple in the whole land, and duplicate certificates may be issued to each person, but the recorder or assistant recorder shall note in the registration book and on each duplicate, to whom such duplicate was issued.

Indexes of applications to be kept, etc.

SECTION 49. The recorder, under the direction of the court, shall make and keep indexes of all applications and of all decrees of registration, and shall also index and classify all papers and instruments filed in his office relating to applications and to registered titles. The recorder

shall also, under the direction of the court, cause forms of indexes and registration and entry books to be prepared for the use of the assistant recorders. The court shall prepare and adopt convenient forms of certificates of title, and shall also adopt general forms of memoranda to be used by the assistant recorders in registering the common forms of conveyance, and other instruments to express briefly their effect.

VOLUNTARY DEALING WITH LAND AFTER ORIGINAL REGISTRATION.

SECTION 50. An owner of registered land may convey, mortgage, lease, charge or otherwise deal with the same as fully as if it had not been registered. He may use forms of deeds, mortgages, leases or other voluntary instruments like those now in use and sufficient in law for the purpose intended. But no deed, mortgage or other voluntary instrument, except a will and a lease for a term not exceeding seven years, purporting to convey or affect registered land, shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties, and as evidence of authority to the recorder or assistant recorder to make registration. The act of registration shall be the operative act to convey or affect the land, and in all cases under this act the registration shall be made in the office of the assistant recorder for the district or districts where the land lies.

Owner of registered land may convey, mortgage, etc., said land, etc.

SECTION 51. Every conveyance, lien, attachment, order, decree, instrument or entry affecting registered land, which would under existing laws, if recorded, filed or entered in the registry of deeds, affect the real estate to which it relates, shall, if registered, filed or entered in the office of the assistant recorder of the district where the real estate to which such instrument relates lies, be notice to all persons from the time of such registering, filing or entering.

Conveyance, lien, etc., if registered shall be sufficient notice.

SECTION 52. No new certificate shall be entered or issued upon any transfer of registered land which does not divest the title in fee simple from the owner or some one of the registered owners. All interests in registered land less than an estate in fee simple shall be registered by filing with an assistant recorder the instrument creating or transferring or claiming such interest and by a brief

No certificate of transfer of registered land to be entered unless it divests title from the owner, etc.

memorandum thereof made by an assistant recorder upon the certificate of title, and signed by him. A similar memorandum shall also be made on the owner's duplicate. The cancellation or extinguishment of such interests shall be registered in the same manner.

Court to render decision in certain cases.

SECTION 53. Where the assistant recorder is in doubt upon any question, or where any party in interest does not agree as to the proper memorandum to be made in pursuance of any deed, mortgage or other voluntary instrument presented for registration, the question shall be referred to the court for decision, either on the certificate of the assistant recorder stating the question upon which he is in doubt, or upon the suggestion in writing of any party in interest; and the court, after notice to all parties and a hearing, shall enter an order prescribing the form of memorandum to the assistant recorder, who shall make registration in accordance therewith.

Instrument presented for registration must contain certain data.

SECTION 54. Every deed or other voluntary instrument presented for registration shall contain or have indorsed upon it the full name, place of residence, and post office address of the grantee or other person acquiring or claiming an interest under such instrument, and every deed shall also state whether the grantee is married or unmarried, and if married, give the name in full of the husband or wife. Any change in the residence or post office address of such person shall be indorsed by an assistant recorder on the original instrument, on receiving a sworn statement of such change. All names and addresses shall also be entered on all certificates. Notices and process issued in relation to registered land in pursuance of this act may be served upon any person in interest by mailing the same to the address so given, and shall be binding, whether such person resides within or without the Commonwealth.

No new certificate of title to be entered unless owner's duplicate certificate is presented, etc.

SECTION 55. No new certificate of title shall be entered, and no memorandum shall be made upon any certificate of title by the recorder or any assistant recorder, in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented with such instrument, except in cases expressly provided for in this act or upon the order of the court, for cause shown; and whenever such order is made a memorandum thereof shall be entered on the new certificate of title and on the owner's duplicate. The production of the owner's duplicate certificate whenever any voluntary instrument is pre-

sented for registration shall be conclusive authority from the registered owner to the recorder or any assistant recorder to enter a new certificate or to make a memorandum of registration in accordance with such instrument, and the new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser for value and in good faith: *provided, however*, that in all cases of registration procured by fraud the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice however to the rights of any innocent holder for value of a certificate of title; and *provided, further*, that after the transcription of the decree of registration on the original application any subsequent registration under this act procured by the presentation of a forged duplicate certificate, or of a forged deed or other instrument, shall be null and void. In case of the loss or theft of an owner's duplicate certificate notice shall be sent by the owner or by some one in his behalf to the assistant recorder for the district in which the land lies, as soon as the loss or theft is discovered.

Provisos.

SECTION 56. Each assistant recorder shall keep an entry book in which he shall enter in the order of their reception all deeds and other voluntary instruments, and all copies of writs or other process filed with him relating to registered land. He shall note in such book the year, month, day, hour and minute of reception of all instruments, in the order in which they are received. They shall be regarded as registered from the time so noted, and the memorandum of each instrument when made on the certificate of title to which it refers shall bear the same date.

Entry book to be kept by assistant recorder.

Every deed or other instrument, whether voluntary or involuntary, so filed with the recorder or assistant recorder, shall be numbered and indexed, and indorsed with a reference to the proper certificate of title. All records and papers relating to registered land in the office of the recorder or of any assistant recorder shall be open to the public in the same manner as probate records are now open, subject to such reasonable regulations as the recorder, under the direction of the court, may make.

Instruments to be numbered and indexed.

Duplicates of all deeds and voluntary instruments filed and registered may be presented with the originals, and shall be attested and sealed by the recorder or an assistant

Duplicates may be presented with originals.

recorder, and indorsed with the file number and other memoranda on the originals, and may be taken away by the person presenting the same.

Copies may be furnished.

Certified copies of all instruments filed and registered may also be obtained at any time, on payment of the assistant recorder's fees.

#### CONVEYANCE IN FEES.

Owner desiring to convey must execute deed of conveyance, etc

SECTION 57. An owner desiring to convey in fee his registered land or any portion thereof shall execute a deed of conveyance, which the grantor or the grantee may present to the assistant recorder in the district where the land lies. The grantor's duplicate certificate shall be produced and presented at the same time. The assistant recorder shall thereupon make out in the registration book a new certificate of title to the grantee, and shall prepare and deliver to him an owner's duplicate certificate. The assistant recorder shall note upon the original and duplicate certificates the date of transfer, the volume and page of the registration book where the new certificate is registered, and a reference by number to the last prior certificate. The grantor's duplicate certificate shall be surrendered, and the word "cancelled", stamped upon it. The original certificate shall also be stamped "cancelled". The deed of conveyance shall be filed and indorsed with the number and place of registration of the certificate of title of the land conveyed.

Proceedings in case deed is for part only of land, etc.

SECTION 58. When a deed in fee is for a part only of the land described in a certificate of title the assistant recorder shall also enter a new certificate and issue an owner's duplicate to the grantor for the part of the land not included in the deed. In every case of transfer the new certificate or certificates shall include all the land described in the original and surrendered certificates: *provided, however*, that no new certificate to a grantee of a part only of the land shall be invalid by reason of the failure of the assistant recorder to enter a new certificate to the grantor for the remaining unconveyed portion.

Proviso.

Encumbrances or adverse claims.

SECTION 59. If at the time of any transfer there appears upon the registration book encumbrances or claims adverse to the title of the registered owner they shall be stated in the new certificate or certificates, except so far as they may be simultaneously released or discharged.

## MORTGAGES.

SECTION 60. The owner of registered land may mortgage the same by executing a mortgage deed, and such deed may be assigned, extended, discharged, released in whole or in part, or otherwise dealt with by the mortgagee by any form of deed or instrument sufficient in law for the purpose. But such mortgage deed, and all instruments assigning, extending, discharging and otherwise dealing with the mortgage, shall be registered, and shall take effect upon the title only from the time of registration. Mortgages.

SECTION 61. Registration of a mortgage shall be made in the manner following, to wit: — The owner's duplicate certificate shall be presented to the assistant recorder with the mortgage deed, and he shall enter upon the original certificate of title and also upon the owner's duplicate certificate a memorandum of the purport of the mortgage deed, the time of filing and the file number of the deed, and shall sign the memorandum. He shall also note upon the mortgage deed the time of filing and a reference to the volume and page of the registration book where it is registered. Registration of mortgage.

The assistant recorder shall also, at the request of the mortgagee, make out and deliver to him a duplicate of the certificate of title, like the owner's duplicate, except that the words "Mortgagee's duplicate" shall be stamped upon it in large letters diagonally across its face. A memorandum of the issue of the mortgagee's duplicate shall be made upon the original certificate of title.

SECTION 62. Whenever a mortgage upon which a mortgagee's duplicate has been issued is assigned, extended or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument assigning, extending or otherwise dealing with the mortgage, and a memorandum of the instrument shall be made upon the mortgagee's duplicate certificate. When the mortgage is discharged or otherwise extinguished the mortgagee's duplicate certificate shall be surrendered and stamped "cancelled". The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented, subject however to all the provisions and exceptions contained in section fifty-six of this act so far as the same are applicable. Assignment of mortgage.

Discharge of mortgage.

A mortgage on registered land may be discharged by the mortgagee in person on the registration book in the same manner as a mortgage on unregistered land may be discharged by an entry on the record book in the registry of deeds, and such discharge shall be attested by an assistant recorder.

Foreclosure of mortgages.

SECTION 63. Mortgages of registered land may be foreclosed like mortgages of unregistered land; but in case of foreclosure by entry and possession the certificate of entry required by section two of chapter one hundred and eighty-one of the Public Statutes shall be filed and registered by an assistant recorder within thirty days after the entry, in lieu of recording. After possession has been obtained by the mortgagee or his assigns, by entry or by action, and continued for the time required by law to complete the foreclosure, he or his assigns may petition the court of registration for the entry of a new certificate, and the court, after notice to all parties in interest, shall have jurisdiction to hear the cause, and may order the entry of a new certificate on such terms as equity and justice may require.

In case of foreclosure by action as provided in chapter one hundred and eighty-one of the Public Statutes, and by exercising the power of sale in the mortgage under the direction of the court as provided therein, a certified copy of the final decree of the court confirming the sale may be filed with the assistant recorder, after the time for appealing therefrom has expired, and the purchaser shall thereupon be entitled to the entry of a new certificate.

In case of foreclosure by exercising the power of sale without a previous decree of court the affidavit required by section eighteen of chapter one hundred and eighty-one of the Public Statutes shall be filed and registered with the assistant recorder, in lieu of recording. The purchaser at the foreclosure sale or his assigns may thereupon at any time present the deed under the power of sale to the assistant recorder for filing and registration, and obtain a new certificate, the owner's duplicate certificate and the mortgagee's duplicate, if any, being first delivered up and cancelled: *provided, however*, that nothing contained in this act shall be construed to prevent the mortgagor or other person in interest from directly impeaching, by bill in equity or otherwise, any foreclosure proceedings affecting registered land, prior to the entry of a new certificate of title.

Proviso.

After a new certificate of title has been entered no judgment recovered on the mortgage note for any balance due thereon shall operate to open the foreclosure or affect the title to registered land.

## LEASES.

SECTION 64. Leases of registered land for a term of seven years or more shall be registered, in lieu of recording. A lessee's duplicate certificate may be issued to the lessee upon his request, subject to the provisions hereinbefore made in regard to a mortgagee's duplicate certificate, so far as the same are applicable.

Leases of registered land.

## TRUSTS.

SECTION 65. Whenever a deed or other instrument is filed for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest in such land without transfer, the particulars of the trust, condition, limitation or other equitable interest shall not be entered on the certificate; but a memorandum thereof shall be entered by the words "in trust", or "upon condition", or other apt words, and by a reference by number to the instrument authorizing or creating the same. A similar memorandum shall be made upon the duplicate certificate. The assistant recorder shall note upon the original instrument creating or declaring the trust or other equitable interest a reference by number to the certificate of title to which it relates, and to the volume and page in the registration book where it is registered. If the instrument creating or declaring a trust or other equitable interest is already recorded in the registry of deeds or of probate a certified copy may be filed by the assistant recorder and registered.

Trusts.

SECTION 66. If the instrument creating or declaring a trust or other equitable interest contains an express power to sell, mortgage or deal with the land in any manner, such power shall be stated in the certificate of title by the words "with power to sell", or "with power to mortgage", and by apt words of description in case of other powers. No instrument transferring, mortgaging or in any way dealing with registered land held in trust shall be registered, unless the power thereto enabling is expressly

Certain words to be contained in instrument creating or declaring a trust.

conferred in the instrument of trust, or unless the decree of a court of competent jurisdiction on a bill for instructions or other proceeding has construed the instrument in favor of the power, in which case a certified copy of such decree may be filed with the assistant recorder, and he shall make registration in accordance therewith.

New certificate to issue in case new trustee is appointed.

SECTION 67. When a new trustee of registered land is appointed by the supreme judicial court or the superior or probate court, a new certificate shall be entered to him upon presentation to the assistant recorder of a certified copy of the decree and the surrender of the duplicate certificate.

Statement of an implied or constructive trust must be filed.

SECTION 68. Whoever claims an interest in registered land by reason of any implied or constructive trust shall file for registration a statement thereof with the assistant recorder. The statement shall contain a description of the land, and a reference to the number of the certificate of title and the volume and page of the registration book where it is entered. Such claim shall not affect the title of a purchaser for value and in good faith before its registration.

Any trustee may file an application.

SECTION 69. Any trustee shall have authority to file an application for registration of any land held in trust by him, unless expressly prohibited by the instrument creating the trust.

#### LEGAL INCIDENTS OF REGISTERED LAND.

Same burdens attach to registered as to unregistered land.

SECTION 70. Registered land, and ownership therein, shall in all respects be subject to the same burdens and incidents which attach by law to unregistered land. Nothing contained in this act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, or from liability to attachment on mesne process or levy on execution, or from liability to any lien of any description established by law on land and the buildings thereon, or the interest of the owner in such land or buildings, or to change the laws of descent, or the rights of partition between coparceners and other cotenants, or the right to take the same by eminent domain, or to relieve such land from liability to be recovered by an assignee in insolvency under the provisions of law relating to preferences, or to change or affect in any way any other

rights or liabilities created by law and applicable to unregistered land, except as otherwise expressly provided in this act or any amendment hereof.

## ATTACHMENTS AND OTHER LIENS.

SECTION 71. In every case where a writing of any description or a copy of any writ is required by law to be filed or recorded in the registry of deeds in order to create or preserve any lien, right or attachment, upon unregistered land, such writing or copy when intended to affect registered land, in lieu of recording, shall be filed and registered in the office of the assistant recorder for the same registry district in which the land lies, and, in addition to any particulars required in such papers for recording with records of deeds, shall also, except in the case of attachment on mesne process, contain a reference to the number of the certificate of title of the land to be affected, and the volume and page of the registration book where the certificate is registered, and also, if the attachment, right or lien is not claimed on all the land in any certificate of title, a description sufficiently accurate for identification, of the land intended to be affected.

Attachments and other liens.

SECTION 72. In every case where an attachment or other lien or adverse claim of any description is registered, and the duplicate certificate is not presented at the time of registration to the assistant recorder, he shall within twenty-four hours thereafter send notice by mail to the registered owner, stating that such paper has been registered, and requesting him to send or produce his duplicate certificate in order that a memorandum of the attachment, or other lien or adverse claim may be made thereon. If the owner neglects or refuses to comply within a reasonable time the assistant recorder shall suggest the fact to the court, and the court after notice shall enter an order to the owner to produce his certificate at a time and place to be named therein, and may enforce the order by suitable process.

Notice to registered owner must be given where adverse claim is registered.

SECTION 73. Attachments on mesne process and liens of every description upon registered land shall be continued, reduced, discharged and dissolved by any method sufficient in law to continue, reduce, discharge or dissolve like liens on unregistered land. All certificates or other instruments which are permitted or required by law to be

Attachments on mesne process.

recorded in the registry of deeds to give effect to the continuance, reduction, discharge or dissolution of attachments or other liens upon unregistered lands, or to give notice of such continuance, reduction, discharge or dissolution, shall in the case of like liens upon registered land be filed with the assistant recorder and registered in the registration book, in lieu of recording.

Provisions of law now in force to apply to registered land.

SECTION 74. All the provisions of law now in force relating to attachments of real estate and leasehold estates on mesne process shall apply to registered land, except that the duties required to be performed by the register of deeds shall be performed by the assistant recorder for the registry district where the land lies, who, in lieu of recording, shall register the facts now required to be recorded, and for that purpose shall keep books similar to those now required to be kept for attachments by registers of deeds, and the fees for registering attachments shall be the same as are now provided for recording.

Name and address of attorney to be indorsed upon writ.

SECTION 75. The name and address of the plaintiff's attorney shall in all cases be indorsed upon the writ, where an attachment is made, and he shall be deemed to be the attorney of the plaintiff until written notice that he has ceased to be such shall be filed for registration by the plaintiff.

When attachment is continued, etc., entry of order entitled to registration.

SECTION 76. Whenever an attachment on mesne process is continued, reduced, dissolved or otherwise affected by an order, decision or judgment of the court in which the action or proceeding in which said attachment was made is pending, or by any order of a court of insolvency, a certificate of the entry of such order, decision or judgment from the clerk or register and under the seal of the court, shall be entitled to be registered on presentation to the assistant recorder. A like certificate of the allowance by the court of an amendment which a subsequent attaching creditor or purchaser contends had the effect of dissolving an attachment, may be registered as an amendment allowed, but shall not be conclusive of dissolution, unless the court in which the action or suit is pending adjudicates that the amendment dissolved the attachment, in which case a certificate of the order, as soon as it becomes absolute, shall be registered as a dissolution of the attachment.

Mechanics' liens, etc.

SECTION 77. When a mechanic's lien or lien for labor and materials is claimed upon registered and unregistered

land, and the original statement required by section six of chapter one hundred and ninety-one of the Public Statutes and amendments thereof is deposited with the register of deeds and recorded, an attested copy of such statement shall be filed with the assistant recorder and registered.

SECTION 78. A lien of any description upon registered land shall be enforced in the same manner as like liens upon unregistered land. Whenever registered land is set off or sold on execution; or taken or sold for taxes, or for any assessment; or sold to enforce a lien for labor or materials; or the lien of a mortgagee or cotenant arising from a payment of taxes; or for an assessment under sections eleven to thirteen of chapter fifty-one of the Public Statutes or any act in amendment thereof; or for costs and charges for taking down dangerous structures under section seventeen of chapter four hundred and eighty-one of the acts of the year eighteen hundred and ninety-four or any act in amendment thereof; or for erecting fences along the line of a railroad corporation under section one hundred and sixteen of chapter one hundred and twelve of the Public Statutes; or for improving meadows and swamps under sections four to seven of chapter one hundred and eighty-nine of the Public Statutes; or for flowing land under section twenty-two of chapter one hundred and ninety of the Public Statutes; or for any costs and charges incident to such liens; any execution, or copy of the execution, any officer's return, or any deed, demand, certificate or affidavit or other instrument made in the course of proceedings to enforce such liens and required by law to be recorded in the registry of deeds in the case of unregistered land, shall be filed with the assistant recorder for the district where the land lies, and registered in the registration book, and a memorandum made upon the proper certificate of title in each case as an adverse claim or encumbrance.

Liens upon registered land to be enforced the same as on unregistered lands, etc.

SECTION 79. Upon the expiration of the time allowed by law for redemption after registered land has been set off or sold on any execution, or taken or sold for the enforcement of any lien of any description, the person claiming under an execution, or under any deed or other instrument made in the course of proceedings to levy such execution or enforce any lien, may petition the court for the entry of a new certificate to him, and the application

Person claiming on an execution, in cases of registered land, may petition court for new certificate.

PROVISION.

may be granted: *provided, however*, that every new certificate entered under this section shall contain a memorandum of the nature of the proceeding on which it is based; and *provided, further*, that where a new certificate is entered in pursuance of any tax title such certificate shall contain a memorandum that it is subject to the rights of redemption reserved in sections fifty-seven and seventy-six of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight or any acts in amendment thereof or in substitution therefor, and *provided, further*, that at any time prior to the entry of a new certificate the registered owner may pursue all his legal and equitable remedies to impeach or annul proceedings under executions or to enforce liens of any description.

PENDING SUITS, JUDGMENTS, DECREES AND PARTITIONS.

Suits, judgments, etc.

SECTION 80. No writ of entry, petition for partition, or other action at law, or any proceeding in equity affecting the title to real estate or the use and occupation thereof or the buildings thereon, and no judgment or decree, nor any writ of error, bill of review or other proceeding to vacate or reverse any judgment or decree, shall have any effect upon registered land as against persons other than the parties thereto, unless a memorandum like that described in section thirteen of chapter one hundred and twenty-six of the Public Statutes and amendments thereof, containing also a reference to the number of the certificate of title of the land affected, and the volume and page of the registration book where it is entered, shall be filed and registered. This section shall not apply to attachments, levies of execution, or to proceedings for the probate of wills, or for administration, in the probate court: *provided, however*, that in case notice of the pendency of the action has been duly registered it shall be sufficient to register the judgment or decree in such action within sixty days after the rendition thereof.

PROVISION.

Certain certificates entitled to registration.

SECTION 81. At any time after final judgment or decree in favor of the defendant, or other disposition in the manner specified in section fourteen of chapter one hundred and twenty-six of the Public Statutes, of any case in which a memorandum has been registered as provided in the preceding section, a certificate of the clerk

stating the manner of disposal thereof, as provided in said section fourteen, shall be entitled to registration.

SECTION 82. Whenever in any real action affecting registered land judgment is entered for the plaintiff or demandant, except in actions of ejectment and actions under chapter one hundred and seventy-five of the Public Statutes, relating to terms of less than seven years, such judgment shall be entitled to registration on presentation of a certificate of the entry thereof from the clerk of the court where the action is pending, to the assistant recorder, who shall enter a memorandum upon the certificate of title of the land to which such judgment relates. If the judgment does not apply to all the land described in the certificate of title the certificate of the clerk and the memorandum entered by the assistant recorder shall contain a description of the land affected by the judgment.

Judgment for plaintiff or demandant in actions affecting registered land entitled to registration.

SECTION 83. When in any writ of entry an execution or writ of seizin has been issued and served by the officer he shall cause an attested copy of the execution, with a return of his doings thereon, to be filed and registered within three months after the service and before the return of the execution into the clerk's office, and the demandant, in case the judgment was that he was entitled to an estate in fee simple in the demanded premises, or in any part thereof, and for which execution issued, shall thereupon be entitled to the entry of a new certificate of title: *provided*, that in informations under chapter one hundred and eighty-two of the Public Statutes the Commonwealth shall be entitled to have the certificate of the registered owner cancelled by the court of registration as soon as judgment is rendered in its favor.

Copy of writ of seizin to be filed and registered.

SECTION 84. When in a writ of dower judgment is entered confirming the report of the commissioners under section seven of chapter one hundred and seventy-four of the Public Statutes, or when in a writ of waste judgment is entered that the plaintiff recover the place wasted, a certificate of the entry of such judgment may be registered as an encumbrance.

Proviso.

When judgment is entered in a writ of dower, etc., it may be registered as an encumbrance.

SECTION 85. Any decree of a court of equity affecting title or rights in registered land, whether made in the exercise of general equity jurisdiction, or in the exercise of jurisdiction conferred by statute for the quieting of titles or removing clouds from titles, as in chapter two

Decree affecting title, etc., in registered land may be registered, etc.

hundred and thirty-seven of the acts of the year eighteen hundred and eighty-two, chapter two hundred and eighty-three of the acts of the year eighteen hundred and eighty-five, chapter four hundred and forty-two of the acts of the year eighteen hundred and eighty-nine, and chapter three hundred and forty of the acts of the year eighteen hundred and ninety-three, or for any similar purpose, may be registered in the same manner as a judgment at law. But every court of equity passing such a decree shall, upon application of the plaintiff or petitioner, order any parties before it to execute for registration any deed or instrument necessary to give effect to its decree, and may require the registered owner to deliver his duplicate certificate to the plaintiff or petitioner to be cancelled or to have a memorandum entered upon it by the assistant recorder. In case the person required to execute any deed or other instrument necessary to give effect to the decree is absent from the Commonwealth, or is a minor, or insane, or for any reason not amenable to the process of the court, the court may appoint some suitable person a trustee to execute such instrument, and the same when executed shall be registered and shall have full force and effect to bind the land to be affected thereby.

Proceedings for  
partition of  
registered land,  
etc.

SECTION 86. In all proceedings for partition of registered land, or for the assignment in fee of registered land claimed by husband or wife by statutory right, after the entry of the final judgment or decree of partition and the acceptance of the report of the commissioners, a copy of the judgment or decree and of the return of the commissioners, certified by the clerk or register, as the case may be, shall be filed and registered; and thereupon, in case the land is set off to the owners in severalty, any owner shall be entitled to have a certificate entered of the share set off to him in severalty, and to receive an owner's duplicate therefor. In case the land is ordered by the court to be sold the purchaser or his assigns shall be entitled to have a certificate of title entered to him or them on presenting the deed of the commissioners for registration: *provided, however*, that any new certificate entered in pursuance of partition proceedings, whether by way of set-off or of sale, shall contain a reference to the final judgment or decree of partition, and shall be conclusive as to the title to the same extent and against the same persons as such judgment or decree is made

Proviso.

conclusive by the statutes applicable thereto; and *provided, also*, that any person holding such certificate of title or a transfer thereof shall have the right to petition the court at any time to cancel the memorandum relating to such judgment or decree, and the court, after notice and hearing, may grant the application. Such certificate shall thereafter be conclusive in the same manner and to the same extent as other certificates of title.

Proviso.

SECTION 87. When a certified copy of a judgment or decree for partition and of the return of the commissioners is presented for registration, if a mortgage or lease affecting a specific portion or an undivided share of the premises had previously been registered, the tenant claiming under the mortgagor or lessor shall cause the mortgage or lease and any duplicate certificate of title issued to the mortgagee or lessee to be again presented for registration, and the assistant recorder shall indorse on each a memorandum of such partition, with a description of the land set off in severalty on which such mortgage or lease remains in force. Such tenant shall not be entitled to receive his own duplicate certificate of title until such mortgage or lease has been so presented for registration.

When judgment or decree for partition is presented tenant claiming under mortgagor, etc., shall cause mortgage, etc., to be presented for registration.

INSOLVENCY.

SECTION 88. It shall be the duty of the messenger to register notice of the issuing of a warrant in insolvency against a debtor who is an owner of registered land, when the same is committed to him, by filing a copy thereof with the assistant recorder.

Insolvency.

An assignee in insolvency shall be entitled to the entry of a new certificate of registered land of the debtor upon presenting and filing a certified copy of the assignment, with the insolvent's duplicate certificate of title; but the new certificate shall state that it is entered to him as assignee in insolvency.

Assignee in insolvency.

SECTION 89. Whenever proceedings in insolvency against a registered owner of which notice has been registered are vacated by decree, or when the court of insolvency grants a discharge and orders a reconveyance of land to an insolvent debtor in proceedings under chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four and acts in amendment

Proceedings in insolvency against registered owner.

thereof, a certified copy of the decree, or of such discharge and order, may be filed and registered. If a new certificate has been entered to the assignee in insolvency as registered owner the debtor shall be entitled to the entry of a new certificate to him, and the certificate of the assignee shall be surrendered.

#### EMINENT DOMAIN.

Description to be filed when land of a registered owner is taken by eminent domain, etc.

SECTION 90. Whenever any land of a registered owner, or any right or interest therein, is taken by eminent domain, the Commonwealth or body politic or corporate or other authority exercising such right shall file for registration in the proper registry district a description of the registered land so taken, giving the name of each owner thereof, referring by number and place of registration in the registration book to each certificate of title, and stating what estate or interest in the land is taken, and for what purpose. A memorandum of the right or interest taken shall be made on each certificate of title by the assistant recorder, and where the fee simple is taken a new certificate shall be entered to the owner for the land remaining to him after such taking. In any case where the owner has a lien upon the land taken for his damages it shall be so stated in the memorandum of registration. All fees on account of any memorandum of registration or entry of new certificates shall be paid by the Commonwealth or body politic or corporate or other authority taking the land.

Court may order entry of new certificate of title in certain cases.

SECTION 91. When for any reason, by operation of law, land which was taken for a public use reverts to the owner from whom it was taken or to his heirs or assigns, the court upon the petition of the person entitled to the benefit of the reversion, after notice and hearing, may order the entry of a new certificate of title to him.

#### TRANSFER BY DESCENT AND DEVISE.

Transfer by descent, etc.

SECTION 92. Upon the death of a registered owner his heirs at law or devisees on the expiration of thirty days after the entry of a decree of the probate court granting letters testamentary or of administration, or in case of an appeal from such decree, at any time after the entry of a final decree, may file a certified copy of the final decree of the probate court and of the will, if any,

with the assistant recorder, and make application for the entry of a new certificate. The court shall issue notice to the executor and administrator and all other persons in interest, and may also give notice by publication in such newspaper or newspapers as it may deem proper, to all whom it may concern, and after hearing may direct the entry of a new certificate or certificates to the person or persons entitled as heirs or devisees. Any new certificate so entered before the final settlement of the estate of the deceased owner in the probate court shall state expressly that it is entered by transfer from the last certificate by descent or devise, and that the estate is in process of settlement. After the final settlement of the estate in the probate court, or after the expiration of the time allowed by law for bringing an action against an executor or administrator by creditors of the deceased, the heirs at law or devisees may petition the court for an order to cancel the memorandum upon their certificate, stating that the estate is in course of settlement, and the court, after notice and hearing, may grant the petition: *provided, however*, that the liability of heirs or devisees of registered land for claims against the estate of the deceased shall not in any way be diminished or changed.

Transfer by descent.

Proviso.

SECTION 93. Nothing contained in this act shall in any way affect or impair the jurisdiction of the probate court to license an executor or administrator or guardian to sell or mortgage registered land for any purpose for which a license may be granted in the case of unregistered land. The purchaser or mortgagee taking a deed executed in pursuance of such license shall be entitled to a new certificate of title, or memorandum of registration, on presenting his deed to the assistant recorder.

Jurisdiction of probate court not affected.

ASSURANCE FUND.

SECTION 94. Upon the original registration of land under this act, and also upon the entry of a certificate showing title as registered owners in heirs or devisees, there shall be paid to the recorder one tenth of one per cent. of the assessed value of the real estate, on the basis of the last assessment for municipal taxation, as an assurance fund.

Assurance fund.

SECTION 95. All money received by the recorder under the preceding section shall be paid to the treasurer of the Commonwealth. He shall keep the same invested, with

Treasurer of the Commonwealth to be custodian of assurance fund.

the advice and approval of the governor and council, and shall report annually to the general court the condition and income thereof.

Persons sus-  
taining loss,  
etc., through  
fraud, etc.,  
may prosecute  
an action of  
contract.

SECTION 96. Any person who without negligence on his part sustains loss or damage, or is deprived of land or of any estate or interest therein after the original registration of land under this act, by the registration of any other person as owner of such land or of any estate or interest therein, through fraud or in consequence of any error, omission, mistake or misdescription in any certificate of title or in any entry or memorandum in the registration book, may bring and prosecute an action of contract in the superior court for the recovery of compensation for such loss or damage or for such land or estate or interest therein from the assurance fund: *provided, however*, that where the person deprived of land or of any estate or interest therein in the manner above stated has right of action or other remedy for the recovery of the land or of the estate or interest therein, he shall exhaust such right of action or other remedy before resorting to the action of contract herein provided; and *provided, further*, that nothing in this act shall be construed to deprive the plaintiff of any action of tort which he may have against any person for such loss or damage, or deprivation of land or of any estate or interest therein. But if the plaintiff elects to pursue his remedy in tort, and also brings an action of contract under this act, the action of contract shall be continued to await the result of the action of tort.

Provisos.

Action to be  
brought against  
treasurer of the  
Common-  
wealth.

SECTION 97. If such action of contract is brought to recover for loss or damage or for deprivation of land or of any estate or interest therein, arising wholly through any fraud, negligence, omission, mistake or misfeasance of the recorder, assistant recorder or of any of the examiners of title, in the performance of executive or ministerial duties, or of any of the assistants or clerks of the recorder, in the performance of their respective duties, then the action shall be brought against the treasurer of the Commonwealth as sole defendant.

In certain cases  
action may be  
brought both  
against treas-  
urer and other  
persons as joint  
defendants.

If such action is brought to recover for loss or damage or deprivation of land or of any estate or interest therein arising wholly through any fraud, negligence, omission, mistake or misfeasance of some person or persons other than the recorder, assistant recorder or the other officers

and assistants above-named, or arising jointly through the fraud, negligence, omission, mistake or misfeasance of such other person and the recorder, assistant recorder or other officers and assistants above-named, then such action shall be brought against both the treasurer of the Commonwealth and such other person or persons, as joint defendants.

SECTION 98. Where there are defendants other than the treasurer of the Commonwealth, and where judgment is entered for the plaintiff against the treasurer and against some or all of the other defendants, execution shall issue against the other defendants and be levied upon them. If the execution is returned unsatisfied in whole or in part, and the officer returning the same certifies that the amount due cannot be collected from the lands or goods of such other defendants, a justice of the superior court shall direct the clerk to certify to the governor the amount due on the execution, and the governor shall draw his warrant therefor upon the treasurer of the Commonwealth, and the treasurer shall pay the amount out of the assurance fund, without any further act or resolve making an appropriation therefor.

Issue of execution against defendants.

When in such action judgment for any reason cannot be entered against all or any of the other defendants it may be entered against the treasurer alone or against the treasurer and such of the other defendants as are found to be liable, and against whom judgment can lawfully be entered. Whenever judgment is entered against the treasurer of the Commonwealth alone, whether in a case where he is sole defendant or joint defendant with others, the justice of the superior court before whom the action is tried shall direct the clerk to transmit to the governor a certificate of the entry of judgment and of the amount due, and the treasurer shall pay the same upon the warrant of the governor, as above provided.

Same subject

SECTION 99. If the assurance fund at any time is not sufficient to meet the amount called for by such warrant of the governor the treasurer shall make up the deficiency from any funds in the treasury not otherwise appropriated; and in such case any sums thereafter received by the treasurer on account of the assurance fund shall be transferred to the general funds of the treasury, until the amount paid on account of the deficiency shall have been made up.

In case assurance fund is not sufficient treasurer to make up deficiency.

Rights of plaintiff against other parties, etc.

SECTION 100. In every case where payment has been made by the treasurer of the Commonwealth under warrant from the governor the Commonwealth shall be subrogated to all rights of the plaintiff against any other parties or securities, and the treasurer shall enforce the same in behalf of the Commonwealth. Any sums so recovered by the treasurer shall be paid into the treasury of the Commonwealth to the account of the assurance fund.

Income of insurance fund to be added to principal until, etc.

SECTION 101. The income of the assurance fund shall be added to the principal and invested, until said fund amounts to the sum of two hundred thousand dollars, and thereafter the income of such fund shall be used to defray, as far as may be, the expenses of the administration of this act, instead of being added to the fund and accumulated.

Assurance fund not liable in certain cases.

SECTION 102. The assurance fund shall not be liable to pay for any loss, damage or deprivation occasioned by a breach of trust, whether express, implied or constructive, by any registered owner who is a trustee, or by the improper exercise of any power of sale in a mortgage. Nor shall any plaintiff recover as compensation in an action of contract under this act more than the fair market value of the real estate at the time of the last payment to the assurance fund on account of the same real estate.

Actions of contract to be begun within six years.

SECTION 103. All actions of contract for compensation under this act by reason of any loss or damage or deprivation of land or any estate or interest therein shall be begun within the period of six years from the time when the cause of action accrued, and not afterwards: *provided, however*, that the plaintiff in an action for the recovery of the land or estate or interest therein in accordance with section ninety-seven of this act may bring the action of contract for compensation within one year after the termination of such action; and *provided, further*, that the action of contract herein provided shall survive to the personal representative of the registered owner, unless barred in his lifetime, but the proceeds thereof shall be treated as real estate.

Provisos.

#### POWERS OF ATTORNEY.

Power of attorney.

SECTION 104. Any person may by attorney procure land to be registered and convey or otherwise deal with registered land, but the letters of attorney shall be ac-

knowledged and filed with the recorder or the assistant recorder of the proper registry district, and registered. Any instrument revoking such letters shall be acknowledged and registered in like manner.

#### LOST DUPLICATE CERTIFICATES.

SECTION 105. If a duplicate certificate is lost or destroyed, or cannot be produced by a grantee, heir, devisee, assignee or other person, applying for the entry of a new certificate to him or for the registration of any instrument, a suggestion of the fact of such loss or destruction may be filed by the registered owner or other person in interest, and registered. The court may thereupon, upon the petition of the registered owner or other person in interest, after notice and hearing, direct the issue of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of a lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as the original duplicate for all the purposes of this act.

Lost duplicate  
certificates,  
etc.

#### ADVERSE CLAIMS.

SECTION 106. Whoever claims any right or interest in registered land adverse to the registered owner arising subsequent to the date of original registration may, if no other provision is made in this act for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom acquired, and a reference to the volume and page of the certificate of title of the registered owner, and a description of the land in which the right or interest is claimed. The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and designate a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim, and the court, upon the petition of any party in interest, shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall enter such decree thereon as justice and equity may require. If the claim is adjudged to be invalid the registration shall be cancelled. If in any case the court after notice and hearing shall find that a claim thus registered was frivo-

Adverse claims,  
etc.

lous or vexatious it may tax the adverse claimant double costs.

#### SURRENDER OF DUPLICATE CERTIFICATES.

Surrender of duplicate certificates.

SECTION 107. In every case where the recorder or any assistant recorder is requested to enter a new certificate in pursuance of an instrument purporting to be executed by the registered owner, or by reason of any instrument or proceedings which divest the title of the registered owner against his consent, if the outstanding owner's duplicate certificate is not presented for cancellation when such request is made, the recorder or assistant recorder shall not enter a new certificate, but the person claiming to be entitled thereto may apply by petition to the court. The court, after a hearing, may order the registered owner or any person withholding the duplicate certificate to surrender the same, and direct the entry of a new certificate upon such surrender.

Court may annul duplicate certificate in certain cases.

If in any case the person withholding the duplicate certificate is not amenable to the process of the court, or if for any reason the outstanding owner's duplicate certificate cannot be delivered up, the court may by decree annul the same, and order a new certificate of title to be entered. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of the outstanding duplicate.

Proceedings in case certificate is not produced, etc.

If in any case an outstanding mortgagee's or lessee's duplicate certificate is not produced and surrendered when the mortgage is discharged or extinguished or the lease is terminated, like proceedings may be had to obtain registration as in the case of the non-production of an owner's duplicate.

#### AMENDMENT AND ALTERATION OF CERTIFICATES OF TITLE.

Amendment and alteration of certificates of title.

SECTION 108. No erasure, alteration or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the recorder or an assistant recorder, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant or inchoate, have terminated and

ceased; or that new interests have arisen or been created which do not appear upon the certificate; or that any error, omission or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married, or if registered as married that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper: *provided*, Proviso. *however*, that this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

Any petition filed under this section and all petitions and motions filed under the provisions of this act after original registration shall be filed and entitled in the original case in which the decree of registration was entered. Filing of petitions, etc.

#### SERVICE OF NOTICES AFTER REGISTRATION.

SECTION 109. All notices required by or given in pursuance of the provisions of this act by the recorder or any assistant recorder, after original registration, shall be sent by mail to the person to be notified at his residence and post office address as stated in the certificate of title, or in any registered instrument under which he claims an interest, in the office of the recorder or assistant recorder, relating to the parcel of land in question. Services of notices.

All notices and citations directed by special order of the court under the provisions of this act, after original registration, may be served in the manner above stated, and the certificate of the recorder shall be conclusive

Proviso.

proof of such service: *provided, however*, that the court may in any case order different or further service, by publication or otherwise.

## FEES FOR REGISTRATION.

Fees.

SECTION 110. The fees payable under this act shall be as follows:

For every application to bring land under this act, including indexing and recording the same, and transmitting to recorder, when filed with assistant recorder, three dollars.

For every plan filed, seventy-five cents.

For indexing an instrument recorded while application for registration is pending, twenty-five cents.

For examining title, five dollars, and one tenth of one per cent. of the value of the land.

For each notice by mail, twenty-five cents, and the actual cost of printing.

For all services by a sheriff under this act, the same fees as are now provided by law for like services.

For each notice by publication, twenty-five cents, and the actual cost of publication.

For entry of order dismissing application, or decree of registration, and sending memorandum to assistant recorder, one dollar.

For copy of decree of registration, one dollar.

For entry of original certificate of title and issuing one duplicate certificate, three dollars.

For making and entering a new certificate of title including issue of one duplicate certificate, one dollar.

For each additional duplicate certificate, after the first, fifty cents.

For the registration of every instrument, whether single or in duplicate or triplicate, including entering, indexing and filing same and attesting registration thereof, and also making and attesting copy of memorandum on one instrument or on a duplicate certificate when required, one dollar and fifty cents.

For making and attesting copy of memorandum on each additional instrument or duplicate certificate if required, fifty cents.

For filing and registering an adverse claim, three dollars.

For entering statement of change of residence or post-office address, including indorsing and attesting same on a duplicate certificate, twenty-five cents.

For entering any note in the entry book or in the registration book, twenty-five cents.

For the registration of a suggestion of death or notice of issue of a warrant in insolvency, twenty-five cents.

For the registration of a discharge or release of mortgage or other instrument creating an encumbrance, fifty cents.

For the registration of a memorandum or certificate of entry for possession or deposition in proof thereof, fifty cents.

For the registration of any levy, or of any discharge or dissolution of any attachment or levy, or of any certificate of or receipt for payment of taxes, or of any mechanic's lien or lien for labor or materials, or notice of any pending action or of a judgment or decree, fifty cents.

For indorsing on any mortgage, lease or other instrument a memorandum of partition, one dollar.

For every petition filed under this act after original registration, one dollar.

For a certified copy of any decree or registered instrument, the same fees as are provided by law for registers of deeds.

In all cases not expressly provided for by law the fees of all public officers for any official duty or service under this act shall be at the same rate as those prescribed herein for like services.

PENALTIES.

SECTION 111. Certificates of title and duplicate certificates issued under this act shall be subjects of larceny.

Certificates of title, etc., to be subjects of larceny.

SECTION 112. Whoever knowingly swears falsely to any statement required to be made under oath by this act shall be guilty of perjury, and liable to the statutory penalties for perjury.

Person swearing falsely guilty of perjury.

SECTION 113. A certificate of title, duplicate certificate of title, certificate issued in place of a duplicate certificate, the registration book, entry book, and all indexes provided for by this act, and the docket of the recorder, shall be treated as if specifically described and enumerated in section one of chapter two hundred and

Punishment for illegal acts.

four of the Public Statutes, and the various acts therein described, when done in reference to the records or instruments hereinbefore mentioned, shall be punished as provided in said section and chapter.

Penalty for forging seal.

SECTION 114. Whoever forges or procures to be forged, or assists in forging, the seal of the court of registration, or stamps or procures to be stamped, or assists in stamping, any document with such forged seal, or with the genuine seal of the court of registration without being duly authorized thereto, shall be punished by imprisonment in the state prison not exceeding ten years or in the jail not exceeding two years.

Penalty for conveying certain registered land.

SECTION 115. Whoever, with intent to defraud, sells and conveys registered land knowing that an undischarged attachment or any other encumbrance exists thereon which is not noted by memorandum on the duplicate certificate of title, without informing the grantee of such attachment or other encumbrance before the consideration is paid, shall be punished by imprisonment in the state prison not exceeding three years, or in the jail not exceeding one year.

When to take effect.

SECTION 116. This act shall take effect upon the first day of October in the year eighteen hundred and ninety-eight.

*Approved June 23, 1898.*

### *Chap. 563* AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet certain charitable expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight.

State paupers and shipwrecked seamen.

For temporary aid for state paupers and shipwrecked seamen by cities and towns for the present and previous years, a sum not exceeding ten thousand dollars, the same to be in addition to the forty thousand dollars appropriated by chapter one hundred and nineteen of the acts of the present year.

Maintenance of indigent and neglected children.

For the care and maintenance of indigent and neglected children and juvenile offenders, to include expenses in connection with the same, a sum not exceeding five