

# HOUSE . . . . No. 2793

---

---

## The Commonwealth of Massachusetts

---

EXECUTIVE DEPARTMENT,  
STATE HOUSE, BOSTON, July 24, 1941.

*To the Honorable Senate and House of Representatives:*

The statutes in this Commonwealth relative to the assessment and collection of real estate taxes have been construed over a long period of time to authorize:

1. That each separate parcel be separately listed and assessed by the Assessors and thus become subject to a lien for the tax on that parcel and that parcel only.

2. That a separate tax bill has been issued by some Collectors with respect to the tax upon each separately assessed or listed parcel and payment thereof has been construed to discharge the tax lien upon that parcel.

Conveyancers in examining titles and mortgages have relied upon this construction of the tax statutes. It has enabled savings and cooperative banks and other mortgagees to pay the taxes upon the separate parcels subject to their respective mortgages thus preserving their mortgage liens and hence has furnished the basis upon which mortgage loans have been freely and safely made.

The practice in some communities has been recently changed by the refusal of the Collector of Taxes to issue a separately receipted tax bill for a single parcel. This in many instances reverses the longtime practice and raises doubt as to the ability of mortgagees or mortgagors to discharge the tax lien upon parcels separately mortgaged so as to preserve the mortgage title. It confuses conveyancers in examining real estate titles. It raises doubt in the minds of Collectors as to giving the certificates required under the statute.

After conference with the Commissioner of Corporations and Taxation and the Bank Commissioner I am convinced that the matter is of sufficient importance to present to your honorable bodies even at this late date. I therefore have asked the two Commissioners to be prepared to submit to you immediately at your request legislation to remove this doubt. Otherwise confusing and expensive litigation may develop and our savings and cooperative banks not only inconvenienced but prejudiced in the practice that they have long accepted.

The soundness of dealing with real estate mortgages may also be involved, thus our homeowners may be injured.

I therefore recommend most respectfully that you deal with this subject at your current session.

Very respectfully yours,

LEVERETT SALTONSTALL,

*Governor.*