

HOUSE No. 394.

Bill accompanying the petition of Essex S. Abbott for legislation relative to dismissals of applications for registration of titles in the Land Court. Joint Judiciary. January 17.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

Relative to Dismissal of Applications for Registration of Titles to Land.

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

1 Section thirty-six of chapter one hundred and twenty-
2 eight of the Revised Laws is hereby amended by
3 striking out the period at the end of said section
4 and inserting in place thereof a semicolon and the fol-
5 lowing words:— but all issues actually tried and de-
6 cided by the court or a jury, unless reversed on appeal,
7 exceptions or writ of error, shall be deemed adjudicated
8 as between the applicant and any person who has ap-
9 peared and answered, and their respective heirs and
10 assigns. If the applicant for registration conveys the

11 land during the pendency of an application in the land
12 court or in the superior court on appeal, the purchaser
13 shall, upon motion of any adverse party, be made a party
14 and substituted for the original applicant, and shall be
15 liable for costs the same as the original applicant, or such
16 application may be dismissed at the election of such
17 adverse party, — so that said section shall read as fol-
18 lows : — *Section 36.* If the court finds that the appli-
19 cant has not title proper for registration, a decree shall
20 be entered dismissing the application, and such decree
21 may be ordered to be without prejudice. The applicant
22 may withdraw his application at any time before final
23 decree, upon terms to be determined by the court; but
24 all issues actually tried and decided by the court or a
25 jury, unless reversed on appeal, exceptions or writ of
26 error, shall be deemed and adjudicated as between the
27 applicant and any person who has appeared and answered,
28 and their respective heirs and assigns. If the applicant
29 for registration conveys the land during the pendency
30 of an application in the land court, or in the superior
31 court on appeal, the purchaser shall, upon motion of any
32 adverse party, be made a party and substituted for the
33 original applicant and shall be liable for costs the same
34 as the original applicant, or such application may be
35 dismissed at the election of such adverse party.