

REYNOLDS, RAPPAPORT & KAPLAN

COUNSELLORS AT LAW

106 COOKE STREET

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EDGARTOWN, MASSACHUSETTS 02539

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\*\*ALSO ADMITTED IN NEW YORK  
\*ALSO ADMITTED IN DISTRICT OF COLUMBIA

March 20, 1996

Chilmark Selectmen  
P.O. Box 119  
Chilmark, MA 02535

RE: Commonwealth of Massachusetts deed to Town of land at  
Menemsha Creek

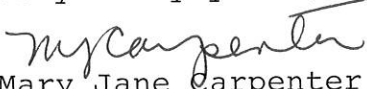
Dear Sirs:

Enclosed please find the attested copies of the material that  
I was able to find at the Dukes County Registry of Deeds:

1. Deed to Town of Chilmark recorded at Book 283, Page 442;
2. Deed to Town of Gay Head recorded at Book 283, Page 333;
3. Attested Copy of Notice of Filing of Registration Petition  
by Franklin P. Tilton, which became Land Court Registration  
Case No. 7706;
4. Copy of Decree for Registration and Map accompanying same.

I was not able to find the source of the land that the  
Commonwealth gave to the Town of either Gay Head or Chilmark.  
I checked the Indian Maps in the Registry of Probate and  
was not able to see this land marked on any of the  
Commissioner's maps on file there. As you can see from my  
grantee search, I could not find any taking by or deed to  
the Commonwealth or the Massachusetts Bay Colony of this  
piece. My best advice toward a further search would be to  
go to the Land Court and read Case No. 7706.

Very truly yours,

  
Mary Jane Carpenter  
Title Examiner



## Commonwealth of Massachusetts.

## Land Court.

To all whom it may concern:

I, Franklin P. Tilton of Chilmark in the County of Dukes County hereby give notice that, on the seventh day of June 1920, I filed a petition in said Court to have the title to certain land therein described, registered and confirmed pursuant to Chapter 185 of the General Laws. Said land is situate in Chilmark in the County of Dukes County and said Commonwealth, and bounded, and described as follows:

A certain parcel of land with the buildings thereon, situate in said Chilmark, bounded and described as follows:

On the northerly side by land of the heirs or devisees of Nathaniel S. Shaler, Willoughby S. Webb, or of the Commonwealth, the old Menemsha Creek, and land of Ira H. Davis; on the easterly side by land of Ernest L. Flanders; on the southerly side by the North County Road; on the westerly side by the New Menemsha Creek.

The above described land is shown on a plan filed with said petition and all boundary lines are claimed to be located on the ground as shown on said plan.

Franklin P. Tilton.

Edgartown, Mass., January 17<sup>th</sup> 1922 at 10 o'clock and 30 minutes A.M. Received and entered with Dukes County Deeds, Book 158, Page 137.

Attest:

Philip F. Norton  
Register.

DUKES COUNTY REGISTRY OF DEEDS

BOOK 158 PAGE 137

DOC.# CERT.#

A true copy attested

3-20-96

Dorcas E. Powers



THE COMMONWEALTH OF MASSACHUSETTS, through its DEPARTMENT OF PUBLIC WORKS, acting under the authority of Chapter 485 of the Acts of 1965, hereby TRANSFERS AND CONVEYS, without consideration, to the TOWN OF CHILMARK, duly incorporated under the laws of the Commonwealth of Massachusetts, located in the County of Dukes and Commonwealth of Massachusetts, a parcel of land, being a portion of the land excepted from the Original Petition in Land Court Case No. 7706 because of its status as land of the COMMONWEALTH OF MASSACHUSETTS, and bounded as follows:

NORTHWESTERLY and  
SOUTHWESTERLY by other land of the COMMONWEALTH OF MASSACHUSETTS in the TOWN OF GAY HEAD;  
NORTHERLY by land of the heirs or devisees of Nathaniel S. Shaler, and by OLD MENEMSHA CREEK;  
EASTERLY by Registered Land of Franklin P. Tilton (the low water line in the OLD CHANNEL of MENEMSHA CREEK); again  
EASTERLY about 72 feet;  
SOUTHERLY 20.00 feet; and again  
EASTERLY 20.00 feet, all by said Registered Land of said Franklin P. Tilton;  
SOUTHERLY by NORTH COUNTY ROAD; and  
WESTERLY by the NEW MENEMSHA CREEK.

The above-described land shall be reserved for and made available to commercial fishermen and shall in no event be sold or conveyed, in accordance with the second sentence of Section 2 of said Chapter 485 of the Acts of 1965.

The above-described land is no longer needed by said DEPARTMENT OF PUBLIC WORKS.

IN WITNESS WHEREOF, the COMMONWEALTH OF MASSACHUSETTS has caused these presents to be signed, sealed, acknowledged and delivered in its name and behalf by CHARLES A. BISBEE, JR., PETER E. DONADIO and ROBERT S. FOSTER, a majority of the Members of the PUBLIC WORKS COMMISSION and ASSOCIATE COMMISSIONERS of the DEPARTMENT OF PUBLIC WORKS, this 13th day of April, 1970.

- 1 -

DUKES COUNTY REGISTRY OF DEEDS  
BOOK 383 PAGE 442  
DOC.# CERT.#

A true copy attested

3-20-96

Deane E. Powers

ADDRESS OF GRANTEE:

SELECTMEN  
TOWN HALL  
CHILMARK, MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS

BY (PUBLIC WORKS COMMISSION  
(DEPARTMENT OF PUBLIC WORKS

BY Charles A. Bisbee

Peter E. Donadio

Robert S. Foster

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Boston, April 13, 1970

Then personally appeared the above-named ROBERT S. FOSTER, CHARLES A. BISBEE, JR., and PETER E. DONADIO, Members of the PUBLIC WORKS COMMISSION and ASSOCIATE COMMISSIONERS OF THE DEPARTMENT OF PUBLIC WORKS, and acknowledged the foregoing instrument to be the free act and deed of the COMMONWEALTH OF MASSACHUSETTS, before me,

Robert E. Sullivan  
Notary Public

My commission expires April 10, 1975

APPROVED AS TO FORM:

Henry L. Minkley  
ASSISTANT ATTORNEY GENERAL

- 2 -

Edgartown, Mass. June 18 1970 12 o'clock and 30 P. m.  
Received and entered with Dukes County Deeds Book 283 Page 442

Attest

Philip J. Norton Register

THE COMMONWEALTH OF MASSACHUSETTS, through its DEPARTMENT OF PUBLIC WORKS, acting under the authority of Chapter 485 of the Acts of 1965, hereby TRANSFERS AND CONVEYS, without consideration, to the TOWN OF GAY HEAD, duly incorporated under the laws of the Commonwealth of Massachusetts, located in the County of Dukes and said Commonwealth of Massachusetts, a parcel of land, being a portion of the land excepted from the Original Petition in Land Court Case No. 7706 because of its status as land of the COMMONWEALTH OF MASSACHUSETTS, and bounded as follows:

NORTHEASTERLY and  
SOUTHEASTERLY by other land of the COMMONWEALTH OF MASSACHUSETTS in  
the TOWN OF CHILMARK;  
WESTERLY by the NEW MENEMSHA CREEK; and  
NORTHERLY by land of the heirs or devisees of Nathaniel S.  
Shaler.

The above-described land shall be reserved for and made available to commercial fishermen and shall in no event be sold or conveyed, in accordance with the second sentence of Section 2 of said Chapter 485 of the Acts of 1965.

The above-described land is no longer needed by said DEPARTMENT OF PUBLIC WORKS.

IN WITNESS WHEREOF, the COMMONWEALTH OF MASSACHUSETTS has caused these presents to be signed, sealed, acknowledged and delivered in its name and behalf by ROBERT S. FOSTER, CHARLES A. BISBEE, JR., and PETER E. DONADIO, a majority of the members of the PUBLIC WORKS COMMISSION and ASSOCIATE COMMISSIONERS of the DEPARTMENT OF PUBLIC WORKS, this 13th day of April, 1970.

- 1 -

DUKES COUNTY REGISTRY OF DEEDS

BOOK 283 PAGE 333

DOC.# CERT.#

A true copy attested 3-20-96

*Deane E. Powers*

COMMONWEALTH OF MASSACHUSETTS

BY (PUBLIC WORKS COMMISSION  
(DEPARTMENT OF PUBLIC WORKS

BY Peter Donadio  
Charles A. Bisbee  
Robert S. Foster

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Boston, April 13, 1970

Then personally appeared the above-named ROBERT S. FOSTER, CHARLES A. BISBEE, JR., and PETER E. DONADIO, members of the PUBLIC WORKS COMMISSION and ASSOCIATE COMMISSIONERS of the DEPARTMENT OF PUBLIC WORKS, and acknowledged the foregoing instrument to be the free act and deed of the COMMONWEALTH OF MASSACHUSETTS, before me,

Robert E. Sullivan  
Notary Public

My commission expires April 10, 1975

APPROVED AS TO FORM:

Wm. Smoother  
ASSISTANT ATTORNEY GENERAL

- 2 -

Edgartown, Mass., June 10 1970 at 11 o'clock and 0 a m.  
Received and entered with Dukes County Deeds Book 283 Page 333

Attest:

Philip J. Norton Register



## Original Certificate of Title.

Doc. 87  
No. 60

Now pursuant to a decree of the Land Court, dated at Boston, in the County of Suffolk and Commonwealth of Massachusetts, the nineteenth day of January, 1922, in the year nineteen hundred and twenty-two, and numbered 7706 on the files of said Court.

## Copy of Decree.

COMMONWEALTH OF MASSACHUSETTS,

LAND COURT.

In the matter of the Petition of Franklin P. Tilton

7706 after consideration, the Court doth adjudge and decree that said

Franklin P. Tilton

CANCELLED

See Certificate No. 970  
Registration Book 6 Page 23

at Millmark,

in the County of Dukes County and Commonwealth of Massachusetts, not-married

in fee simple

of that certain parcel of land situate in

at Millmark,

in the County of Dukes County and Commonwealth of Massachusetts, bounded and described as follows:

Northerly by North County Road three hundred forty (340) feet;

Easterly twenty (20) feet and

Westerly twenty (20) feet, by land now or formerly of The Commonwealth of Massachusetts;

Northerly by said Commonwealth land, by a line measuring on the upland about seventy-two (72) feet;

Westwesterly and Westerly by low water line in old channel of Menamsha Creek;

Westwesterly by land now or formerly of Ira N. Davis, by a line measuring on the upland about two hundred thirty-nine and 10/100 (239.10) feet; and

Northerly by land now or formerly of Ernest L. Flanders four hundred seventy-three and 25/100 (473.25) feet.

All of said boundaries, except the line of the Creek, are determined by the Court to be located as shown upon plan numbered 7706 A, which will be filed with the original certificate of title issued on this case, the same being compiled from a plan drawn by William S. Swift, Surveyor, dated May 10, 1920, and additional data on file in the Land Registration Office, all as modified and approved by the Court.

DUKES COUNTY REGISTRY OF DEEDS

BOOK

PAGE

DOC. #

CERT. #

A true copy attested

3-20-96

Diane E. Powers

Set & on Dec. 19, 1922, filed with Certificate No. 970 has been submitted and Plan No. 7706's showing such changes is filed with Certificate No. 970 Book 6 Page 23.



And the Court doth adjudge and decree that said land be brought under the operation and provisions of Chapter ~~128~~ <sup>185</sup> of the ~~Revised~~ <sup>General</sup> Laws, and that the title of said

Franklin P. Tilton

to said land be confirmed and registered; subject, however, to any of the encumbrances mentioned in ~~Chapter 128~~ <sup>Chapter 185</sup> of said Chapter, which may be subsisting, and subject also to any and all public rights legally existing in and over the same below mean high water mark.

WITNESS, CHARLES THORNTON DAVIS, Esquire, Judge of the Land Court, at Boston, in said County of the nineteenth day of January in the year nineteen hundred and twenty-two, at 10 o'clock and 30 minutes in the forenoon.

Attest, with the Seal of said Court, CLARENCE C. SMITH, Recorder.

A true copy. Attest, with the Seal of said Court, CLARENCE C. SMITH, Recorder.

Received for Transcription at Edgartown, County of Dukes County Register

January 20th, 1922, at 2 o'clock and 30 minutes P.M.

A true copy. Attest with the Seal of said Court,

*Philip J. Fort*  
Assistant

		1923	1923	
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	B	1923	1923	
Butler	C	April 17	June 27 3 0 7	Philip J. Norton
	D	1923	1923	
Reed	E	April 17	June 27 3 0 7	Philip J. Norton
	F	1923	1923	
isson	G	April 17	June 27 3 0 7	Philip J. Norton
	H	1923	1923	
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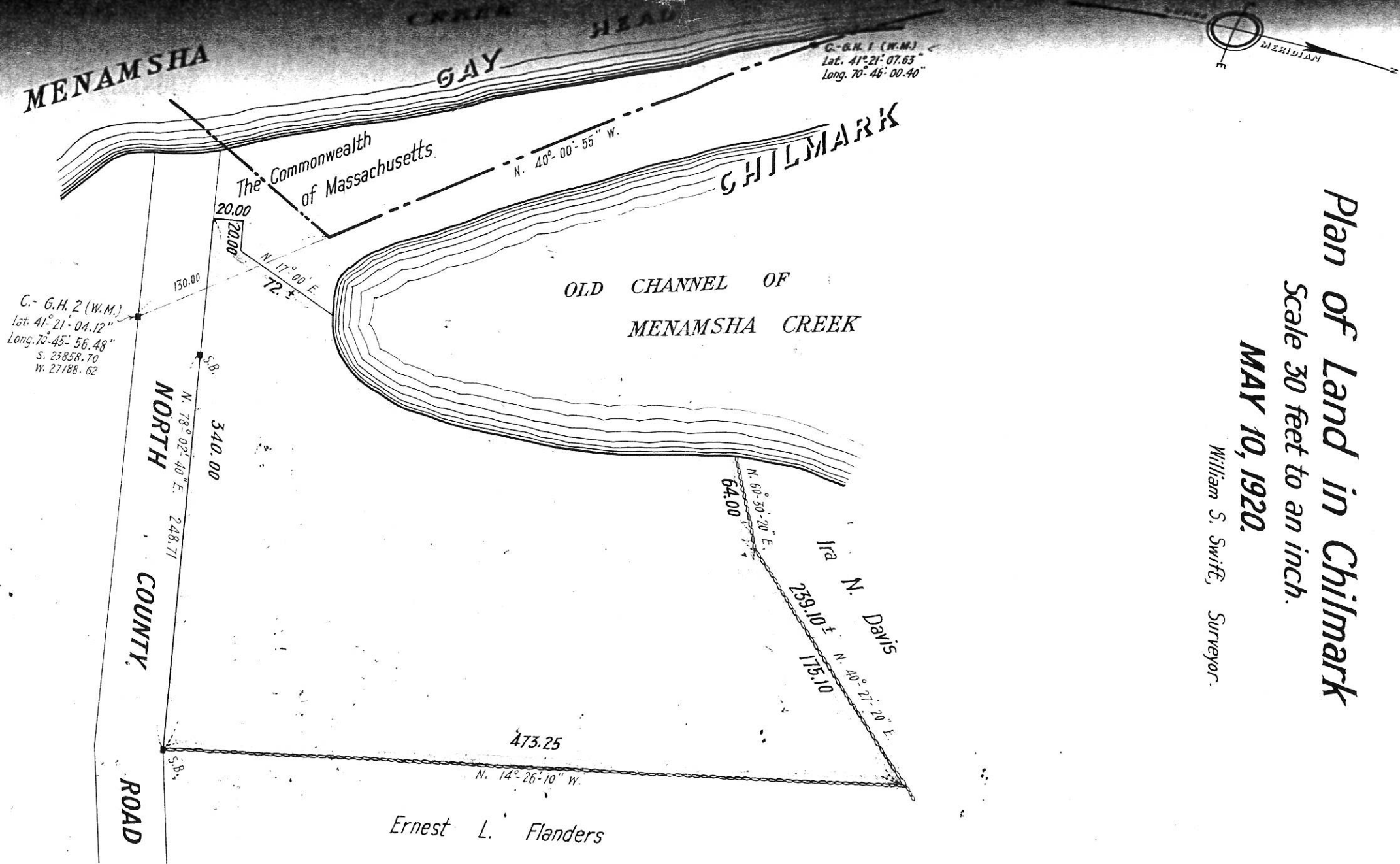
[SEE OVER]

77064

# Plan of Land in Chilmark Scale 30 feet to an inch.

MAY 10, 1920.

William S. Swift, Surveyor.



Copy of part of plan  
filed in  
**LAND REGISTRATION OFFICE**  
JUNE 7, 1920  
Scale of this plan 80 feet to an inch  
C. B. Humphrey, Surveyor for Court