

SENATE No. 1607

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the land court department of the Trial Court..

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 1. Section 1 of chapter 185 of the General Laws, as appearing in the 2000

2 Official

3 Edition is hereby amended by striking out the introductory paragraph and inserting in
4 place

5 thereof the following introductory paragraph:-

6 The land court department established under section 1 of chapter 211B shall be a court of
7 record, and wherever the words "land court", or wherever in this chapter the word "court" is used
8 in that context, they shall refer to a division of the land court department of the trial court, and
9 the words "judge of the land court" or the word "judge", in context, shall mean an associate
10 justice of the trial court appointed to a division of the land court department. The land court
11 department shall have exclusive original jurisdiction of the following matters:

12 SECTION 2. Said section 1 of said chapter 185, as so appearing, is hereby further
13 amended by striking out the last 3 paragraphs and inserting in place thereof the following 3
14 paragraphs:-

15 The court shall be composed of an eastern division, including the former counties of
16 Essex and Middlesex, the counties of Suffolk, Norfolk, Bristol, Plymouth, Barnstable, and
17 Dukes, and a western division, including the former counties of Hampden, Hampshire, Berkshire
18 and Worcester, and the county of Franklin. The court shall hold its sessions in Boston and
19 Worcester, but may adjourn from time to time at such other places as public convenience may
20 require. In Suffolk county, the city of Boston shall provide suitable rooms for the sittings of the
21 court in the same building with, or convenient to, the probate court or the registry of deeds. In
22 other counties or former counties, the trial court or the commonwealth, whichever is applicable,
23 shall provide suitable rooms for the sittings of the court in the same building with, or convenient
24 to, the probate court or the registry of deeds.

25 The court shall always be open, except on Saturdays, Sundays, and legal holidays, and
26 shall have a seal with which all orders, processes, and papers, made by or proceeding from the
27 court and requiring a seal, shall be sealed; but if the convenience of the public so requires, the
28 court shall be open on such Saturdays, not legal holidays, and during such hours thereof, as the
29 judges thereof may determine. Its notices, order, and processes may run into any county within
30 its division and be returnable within the respective division as it directs.

31 The court shall from time to time make general rules and forms for procedure,
32 which, before taking effect, shall be approved by the supreme judicial court or by a justice
33 thereof.

34 SECTION 3. Section 6 of said chapter 185, as so appearing, is hereby amended by
35 inserting after the word "recorder", in line 2, the following words:- of each division.

36 SECTION 4. Section 22 of said chapter 185, as so appearing, is hereby amended by
37 striking out the first sentence and inserting in place thereof the following sentence:- Writs,
38 complaints, bills, pleadings, and proceedings in the land court may be filed with the recorder of
39 the land court for the division covering the town in which the land is located, or with the register
40 of deeds for the district where the land or any part thereof lies, who shall immediately index the
41 proceedings in the general index by the names of the parties, and transmit the papers to the
42 recorder.