

**SENATE . . . . . No. 675**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Harriette L. Chandler***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Harriette L. Chandler*

**SENATE . . . . . No. 675**

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By Ms. Chandler, a petition (accompanied by bill, Senate, No. 675) of Harriette L. Chandler for legislation relative to the land court department of the Trial Court. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1607 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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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 2008  
2 Official Edition is hereby amended by striking out the introductory paragraph and inserting in  
3 place thereof the following introductory paragraph:-

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

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

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

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

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

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