

SENATE NO. 830

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 Official Edition
2 is hereby amended by striking out the introductory paragraph and inserting in place thereof the
3 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 in
6 that context, they shall refer to a division of the land court department of the trial court, and the words
7 "judge of the land court" or the word "judge", in context, shall mean an associate justice of the trial
8 court appointed to a division of the land court department. The land court department shall have
9 exclusive original jurisdiction of the following matters:

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

12 The court shall be composed of an eastern division, including the former counties of Essex and
13 Middlesex, the counties of Suffolk, Norfolk, Bristol, Plymouth, Barnstable, and Dukes, and a western
14 division, including the former counties of Hampden, Hampshire, Berkshire and Worcester, and the

15 county of Franklin. The court shall hold its sessions in Boston and Worcester, but may adjourn from
16 time to time at such other places as public convenience may require. In Suffolk county, the city of
17 Boston shall provide suitable rooms for the sittings of the court in the same building with, or
18 convenient to, the probate court or the registry of deeds. In other counties or former counties, the trial
19 court or the commonwealth, whichever is applicable, shall provide suitable rooms for the sittings of
20 the court in the same building with, or convenient to, the probate court or the registry of deeds.

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

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

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

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

