

# HOUSE . . . . . No. 3202

By Mr. Morrissey of Quincy, petition of Michael W. Morrissey for legislation to clarify the procedure for claiming a trial by jury in the Land Court Department of the Trial Court. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

### AN ACT TO CLARIFY THE PROCEDURE FOR CLAIMING A TRIAL BY JURY IN 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 15 of Chapter 185 of the General Laws is hereby  
2 amended by deleting therefrom the fourth sentence and  
3 substituting therefor the following: —

4 If trial by jury is claimed, the party making such claim shall  
5 file a motion with the court, within thirty days after the service  
6 of the last pleading directed to such claim, requesting that issues  
7 therefor upon any material question of fact be framed by the court  
8 and setting forth proposed questions. Such motion shall be  
9 marked up for hearing in accordance with the applicable rules of  
10 the court, and thereafter, if the motion is allowed, the court  
11 promptly shall frame such issues. Except as otherwise provided  
12 in section sixteen and in chapter two hundred and thirty-seven,  
13 the moving party, within thirty days after being notified by the  
14 court that the issues have been framed, shall enter in the superior  
15 court for the county where the land lies copies of the issues framed  
16 and of all other material papers in the case, certified by the  
17 recorder for a jury trial thereon.

