
By Mr. Aylmer, a petition (accompanied by bill, Senate, No. 694) of William I. Randall, Marilyn M. Sullivan and John E. Fenton, Jr., justices of the Land Court, John F. Aylmer and other members of the Senate for legislation relative to the assurance fund of the Land Court. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

AN ACT CONCERNING THE ASSURANCE FUND OF THE LAND 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 101 of chapter 185 of the General Laws, as appear-
 2 ing in the Tercentenary Edition, is hereby amended by strik-
 3 ing said section and inserting in place thereof the following
 4 section: —

5 A person who, without negligence on his part, sustains loss
 6 or damage, or is deprived of land or of any estate or interest
 7 therein after the original registration of land, by the registra-
 8 tion of another person as owner of such land or of any estate
 9 or interest therein, through fraud or in consequence of any
 10 error, omission, mistake or misdescription in any certificate
 11 of title or in any entry or memorandum in the registration
 12 book, may recover in contract in the superior court depart-
 13 ment compensation for such loss or damage or for such land
 14 or estate or interest therein from the assurance fund. This
 15 section shall not deprive the plaintiff of any action of tort
 16 which he may have against any person for such loss or dam-
 17 age or deprivation of land or of any estate or interest therein.
 18 If the plaintiff elects to pursue remedies both in contract and
 19 tort and the plaintiff recovers in contract against the assur-
 20 ance fund prior to the result in the action of tort, then the
 21 commonwealth shall be subrogated to the rights of the plain-
 22 tiff against any such person in the action of tort pursuant to
 23 section one hundred and five of this chapter.

SECTION 1. The Commission shall be composed of the following members: ...

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SECTION 2. The Commission shall have the honor and privilege of ...

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SECTION 9. The Commission shall have the honor and privilege of ...