

By Mr. Doherty of Medford, petition of Thomas J. Doherty relative to certain proceedings for the assessment of damages for the taking of land by eminent domain. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT RELATIVE TO CERTAIN PROCEEDINGS FOR THE ASSESSMENT OF DAMAGES FOR THE TAKING OF LAND BY EMINENT DOMAIN.

1 *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to provide forthwith for uni-  
3 formity in the method of assessing damages in eminent do-  
4 main proceedings, therefore, it is hereby declared to be an  
5 emergency law necessary for the immediate preservation of  
6 the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 79 of the General Laws is hereby amended by  
2 striking out section 35, as appearing in the Tercentenary  
3 Edition, and inserting in place thereof the following section:—  
4 *Section 35.* The valuation made by the assessors of a  
5 town for the purposes of taxation for the three years next  
6 preceding the date of the taking of or injury to real estate  
7 by the commonwealth or by a county, city, town, district,  
8 authority, or other public instrumentality under authority  
9 of law, may, in proceedings, brought under section fourteen  
10 to recover the damages to such real estate, the whole or  
11 part of which is so taken or injured, be introduced as evi-  
12 dence of the fair market value of the real estate by any party  
13 to the suit; provided, however, that if the valuation of  
14 any one year is so introduced, the valuations of all three  
15 years shall be introduced in evidence.

## The Constitution of the State

As amended by the People of the State of New York

1. The Constitution of the State of New York is hereby amended so that the words "and the people of the State of New York" shall be inserted after the words "We the People" in the first section of the first article of the Constitution.

2. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the second section of the first article of the Constitution.

3. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the third section of the first article of the Constitution.

4. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the fourth section of the first article of the Constitution.

5. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the fifth section of the first article of the Constitution.

6. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the sixth section of the first article of the Constitution.

7. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the seventh section of the first article of the Constitution.

8. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the eighth section of the first article of the Constitution.

9. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the ninth section of the first article of the Constitution.

10. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the tenth section of the first article of the Constitution.

11. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the eleventh section of the first article of the Constitution.

12. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the twelfth section of the first article of the Constitution.

13. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the thirteenth section of the first article of the Constitution.

14. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the fourteenth section of the first article of the Constitution.

15. The words "and the people of the State of New York" shall be inserted after the words "and the people of the State of New York" in the fifteenth section of the first article of the Constitution.