

HOUSE No. 309

By Mr. Jackson of Malden, petition of Herbert L. Jackson relative to pleading and practice in eminent domain cases requiring the publication of amounts of settlement. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO PLEADING AND PRACTICE IN EMINENT DOMAIN CASES REQUIRING THE PUBLICATION OF AMOUNTS OF SETTLEMENTS.

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 22 of chapter 79 of the General Laws, as
2 appearing in the Tercentenary Edition, is hereby
3 amended by adding at the end thereof the following:—
4 ; provided, however, that in cases of settlement made
5 between the parties, such certification and payment
6 shall not be made until the commonwealth has caused
7 to be printed for three successive weeks in a news-
8 paper of the city or town in which the property is
9 located, or, if such city or town has no newspaper, in
10 a newspaper in the same county, a notice giving the
11 assessed value of the property and the amount of the
12 settlement, — so as to read as follows:— *Section 22.*
13 A petition brought under section fourteen shall name
14 all parties adversely interested known to the peti-
15 tioner, and process shall issue and service be made as

16 in suits in equity. Any defence to the petition not
17 relating to the amount of damages must be pleaded
18 within thirty days after the return day of the sub-
19 poena; but no answer relating solely to the amount of
20 damages shall be filed by any party and no person
21 shall be defaulted for failure to enter an appearance.
22 The trial shall be by the court unless one of the parties
23 within the time prescribed in actions at law files a
24 notice that he desires a trial by jury; and the court
25 may appoint an auditor. Interrogatories may be filed
26 with the same effect as in actions at law. In case of
27 trial by jury, if either party requests it the jury shall
28 view the premises. Judgment shall be entered and
29 execution issue as in actions at law; and when the
30 commonwealth is liable for the damages the amount
31 found due shall be certified and paid under section
32 three of chapter two hundred and fifty-eight; pro-
33 vided, however, that in cases of settlement made be-
34 tween the parties, such certification and payment shall
35 not be made until the commonwealth has caused to
36 be printed for three successive weeks in a newspaper
37 of the city or town in which the property is located, or,
38 if such city or town has no newspaper, in a newspaper
39 in the same county, a notice giving the assessed value
40 of the property and the amount of the settlement.