

HOUSE No. 2054

Substituted by the House, on motion of Mr. Bond of Medford, for a report of the committee on the Judiciary, reference to the next annual session (under Joint Rule 10), on so much of the report of the Attorney-General for the year ending November 30, 1937 (Pub. Doc. No. 12) as relates to relief of persons damaged by takings by eminent domain who fail to file petitions in the Superior Court within one year (page 16). May 23.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT FOR THE RELIEF OF PERSONS WHO HAVE BEEN DAMAGED BY TAKINGS BY EMINENT DOMAIN AND WHO HAVE NOT FILED THEIR PETITIONS IN THE SUPERIOR COURT WITHIN ONE YEAR FROM THE DATE OF SUCH TAKINGS.

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. Chapter seventy-nine of the General
2 Laws is hereby amended by inserting therein the
3 following new section:—

4 *Section 16A.* Any person who fails to file a petition
5 for the assessment of damages under section fourteen
6 within the time prescribed in section sixteen, who
7 otherwise would have a claim for damages under this
8 chapter, may file a request with the board of review
9 for leave to file such a petition in the superior court
10 notwithstanding the provisions of said section sixteen.

11 The board shall hold a hearing upon such request and,
12 if it determines that the person filing such request is
13 justly entitled to damages, it shall make an order
14 that such person may have leave to file such a petition
15 in the superior court notwithstanding the provisions
16 of said section sixteen. The board shall furnish such
17 person with a certified copy of its finding and there-
18 after, if such person shall within six months from the
19 date of such order file the same with a petition for
20 the assessment of damages in the superior court, such
21 petition shall be entered in such court and shall be
22 heard notwithstanding the provisions of said section
23 sixteen.

1 SECTION 2. Chapter twelve of the General Laws
2 is hereby amended by inserting therein the following
3 new section: —

4 *Section 31A.* There shall be a board of review
5 which shall receive and determine requests for leave
6 to file petitions for the assessment of damages, not-
7 withstanding the provisions of said section sixteen of
8 said chapter seventy-nine of the General Laws serving
9 in the department of the attorney general and con-
10 sisting of the attorney general or his representative,
11 the commissioner of the department which made the
12 taking relative to which the petition for assessment
13 of damages is to be made or his representative, and
14 the treasurer and receiver general or his representative.
15 Any designation may be revoked at any time and
16 may run for such period as the designating officer
17 may prescribe. The members of the board and per-
18 sons designated shall serve without compensation.
19 The attorney general or his representative shall be
20 the chairman of the board.

21 The board may appoint and remove a secretary and
22 fix his compensation.

23 All expenditures incurred under this section shall
24 be paid by the department which made the taking.

25 Any member of the board shall have power to
26 summon and compel the attendance and testimony
27 of witnesses and the production of books, records and
28 documents, and may administer oaths.

