

HOUSE . . . . . No. 273.

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[Bill accompanying the petition of Moorfield Storey. Judiciary.]

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Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred.

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AN ACT

To provide for the Allowance of Expenses and Costs to Parties sustaining Damages in Land Damage Cases.

*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. In all damage cases for the taking  
2 of land, raising or lowering of grade and for ob-  
3 taining easement on the land of another, the  
4 owner shall be allowed as compensation to be  
5 taxed with his costs a sum of money not exceed-  
6 ing one hundred dollars for each expert witness  
7 testifying in his behalf at each hearing or at each  
8 trial, and the amount so allowed shall be deter-  
9 mined by the auditor or justice before whom the  
10 case is heard, who shall have final and absolute

11 jurisdiction in the allowance of such compensa-  
12 tion: *provided*, the taker shall have the right to  
13 make an offer in writing at any time before  
14 joinder of issue of the amount due the owner for  
15 such damage, and in pending cases, at any time  
16 before the hearing or trial, of the amount due the  
17 owner for such damage, together with the actual  
18 amount of expenses incurred up to the time of  
19 the offer for surveys, plans and expert opinions. If  
20 the owner recovers at the hearing or trial a lesser  
21 amount, such compensation shall be taxed as costs  
22 against the owner, and if a sum of money is re-  
23 covered exactly equal to the amount offered, each  
24 party shall bear the expenses of his own witness  
25 fees.

1 SECTION 2. The provisions of this act shall  
2 apply to all proceedings pending at the time of  
3 its passage.

1 SECTION 3. This act shall take effect upon its  
2 passage.