

# HOUSE . . . . . No. 6919

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 9, 1981.

The committee on the Judiciary, to whom were referred the petition (accompanied by bill, Senate, No. 1929) of Samuel Rotondi and Richard Gelinas for legislation to provide for a single trial of certain actions for damages for land takings; and the petition (accompanied by bill, Senate, No. 1932) of Francis X. Bellotti, Attorney General, Samuel Rotondi and Mark E. Lawton for legislation relative to pleading and procedures in eminent domain proceedings, reports recommending that the accompanying bill (House, No. 6919) ought to pass.

For the committee,

MICHAEL F. FLAHERTY, JR.,

## The Commonwealth of Massachusetts

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

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### AN ACT RELATIVE TO THE TRIAL OF ACTIONS FOR DAMAGES FOR LAND 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 Chapter 79 of the General Laws is hereby amended by striking  
2 out Section 22, as most recently amended by Section I of Chapter  
3 983 of the Acts of 1973, and inserting in place thereof the following  
4 section:—

5 *Section 22.* A complaint brought under section fourteen shall  
6 name all parties adversely interested who are known to the peti-  
7 tioner, and process shall issue and service be made in accordance  
8 with the Massachusetts Rules of Civil Procedure. Any defense to  
9 the petition not relating to the amount of damages shall be pleaded  
10 within thirty days after the service of process; provided that no  
11 answer relating solely to the amount of damages shall be filed by  
12 any party and no person shall be defaulted for failure to enter an  
13 appearance. All matters pertaining to the litigation shall be heard  
14 by a judge in the superior court department, and there shall be one  
15 trial before a jury, unless all parties waive trial by jury and file a  
16 written agreement requesting a trial without a jury. Interrogatories  
17 may be filed with the same effect as in other civil actions. In case of  
18 trial by jury, if either party requests it, the jury shall view the  
19 premises. Judgement shall be entered and execution issued as in  
20 other civil actions; and when the commonwealth is liable for  
21 damages the amount found due shall be certified and paid under  
22 section three A of chapter two hundred and fifty-eight.