

HOUSE No. 760.

[Bill accompanying the petition of Charles F. Chamberlayne for legislation relative to new trials in civil causes. Joint Judiciary. February 3.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Two.

AN ACT

Relative to New Trials in Civil Causes.

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. No verdict of a jury upon any issue of
2 fact submitted to them shall be hereafter set aside except
3 upon lawful grounds stated in writing by the presiding
4 justice and made part of the record in the case.

1 SECTION 2. No verdict shall be set aside as excessive
2 unless the prevailing party is first given an opportunity
3 to remit so much of said verdict as the presiding justice
4 shall adjudge to be excessive. The prevailing party
5 shall have twenty days within which to make such
6 election.

1 SECTION 3. In case the prevailing party shall not
2 elect to remit as provided in the preceding section, the
3 sole issue upon any subsequent trial of the cause shall
4 be as to the amount of damages which the party is en-
5 titled to recover.

1 SECTION 4. In any cases where the verdict of a jury
2 has been once set aside, no subsequent verdict of a jury
3 in favor of the same party shall be again set aside for
4 any cause which was, or might have been made, a ground
5 for setting aside the previous verdict.