

HOUSE No. 827.

HOUSE OF REPRESENTATIVES, Feb. 4, 1903.

[Introduced on leave by Mr. Lennon of Boston. Joint Judiciary.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Three.

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. Section six of chapter one hundred
2 and fifty-three of the Public Statutes is hereby
3 amended by adding thereto at the end the follow-
4 ing:—but in all cases where verdicts are set
5 aside and new trials ordered, the justice who sets
6 aside the verdict shall state in writing his reason
7 for setting aside said verdict, and thereupon the
8 party aggrieved shall have the right of taking an
9 appeal or exceptions to the reasons set forth by
10 said justice in writing, in the same manner as

11 provided by law for taking appeals and excep-
12 tions to the supreme judicial court, but said
13 appeal or exceptions must be taken within twenty
14 days of the notice received by the aggrieved party
15 or his attorney; and upon the aggrieved party
16 filing his appeal or taking exceptions the court in
17 which the appeal or exception is taken shall there-
18 upon cause to be printed all the testimony bear-
19 ing on the written reasons set forth by the justice,
20 and the evidence shall be filed with the case, and
21 the evidence so filed shall be printed in due form
22 at the expense of the party moving to have the
23 verdict set aside, and shall be entered in the
24 supreme judicial court as provided by law for
25 exceptions. Only the facts as appearing from the
26 record and the reasons set forth by the justice
27 below, shall be heard by the full court, and it
28 shall be determined by them upon the law and
29 the facts whether there were sufficient reasons
30 for setting the verdict aside, and the case shall be
31 disposed of as provided by law in the same way
32 as all other cases going to the supreme judicial
33 court upon exception.

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