

HOUSE No. 838.

Bill accompanying the petition of D. Mancovitz for legislation to provide that new trials in civil actions shall not be granted except for fraud. Joint Judiciary. January 22.

Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eight.

AN ACT

To provide that New Trials shall not be granted except for
Fraud in Civil Actions.

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 one hundred and twelve of chap-
2 ter one hundred and seventy-three of the Revised Laws
3 is hereby amended by striking out the words "any cause
4 for which a new trial may by law be granted," in the
5 second and third lines, and inserting in place thereof the
6 word:— fraud; and by striking out the word "reason,"
7 in the fifth line and inserting in place thereof the
8 word:— fraud,— so as to read as follows:—

9 *Section 112.* The courts may at any time before judg-
10 ment set aside the verdict in a civil action and order a

11 new trial for fraud; but a verdict shall not be set aside
12 except upon a motion in writing by a party to the cause,
13 stating the fraud relied upon in its support, filed and
14 heard after notice to the adverse party according to the
15 rules of the court. A verdict shall not be set aside as
16 excessive until the prevailing party has first been given
17 an opportunity to remit so much thereof as the court
18 adjudges as excessive.

1 SECTION 2. If the verdict is set aside the court shall
2 set forth its reason therefor.

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