

HOUSE No. 1270

Bill accompanying the petition of Joseph L. Keogh for legislation to regulate the direction of verdicts in certain cases and to proceedings on exceptions. Joint Judiciary. January 15.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

To Regulate the Direction of Verdicts in certain 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 Chapter two hundred and thirty-six of the acts of the
2 year nineteen hundred and nine is hereby amended by
3 striking out the words "Section 3", and inserting in
4 place thereof the words :— Section 4,— and by inserting
5 after section two in said chapter the following :—
6 *Section 3.* No verdict shall be directed for the defend-
7 ant at the close of the plaintiff's evidence unless the
8 defendant rests, and in every such case where a ruling
9 is requested by the defendant to direct a verdict and
10 such ruling is granted by the court and exception to
11 such ruling is duly taken by the plaintiff, then if the
12 plaintiff's said exception is duly sustained in the

13 supreme judicial court and the exceptions, if any, taken
14 by the defendant, are all overruled, the supreme judicial
15 court, shall be rescript, direct the entry in the trial court
16 of judgment for the plaintiff, if the same may be done
17 without further proceedings, or that the defendant be de-
18 faulted and the case stand for assessment of damages
19 or such other interlocutory proceedings as may be neces-
20 sary to render the case ripe for judgment; and an
21 assessment of damages under the provisions of this
22 section shall be had before a jury unless the same be
23 waived by the plaintiff.