

HOUSE No. 2156

Bill accompanying the petition of Grafton D. Cushing and Channing H. Cox for legislation to simplify legal procedure and to avoid repetition of trials and unnecessary delay whenever possible. Joint Judiciary. March 18.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

Relative to the Granting of New Trials in Civil and Criminal 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 SECTION 1. No new trial shall be granted in any case,
2 civil or criminal, on the ground of misdirection or ruling,
3 or of improper admission, or rejection of evidence, or for
4 error as to any matter of pleading or procedure, unless, in
5 the opinion of the court to which application is made
6 originally or by way of exceptions or otherwise, some sub-
7 stantial wrong or miscarriage has been thereby occasioned
8 in the trial; and if it appear to such court that such
9 wrong or miscarriage affects part only of the matter in
10 controversy, or some or one only of the parties, the court

11 may direct final judgment as to part thereof, or some or
12 one only of the parties, and direct a new trial as to the
13 other part only or as to the other party or parties.

1 SECTION 2. This act shall take effect on its passage
2 except as to pending applications and verdicts given on or
3 before the day of its passage.
