

HOUSE No. 483.

Bill accompanying the petition of Edward H. O'Brien for legislation relative to the trial of libels for divorce. Probate and Chancery. January 23.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Five.

AN ACT

To provide that Libels for Divorce shall be tried before Juries.

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. Libels for divorce shall be tried
2 before juries in the superior court, and the jury
3 shall decide in each case whether the evidence
4 warrants a decree for a divorce or not, and a de-
5 cree in accordance with such decision shall be
6 made by the judge presiding at the trial. Such a
7 decree shall not be set aside on the ground that
8 it is against the evidence or the weight of the ev-
9 idence; and new trials shall not be granted on
10 that ground.

1 SECTION 2. This act shall not affect the power
2 of the judges of the superior court to make or-
3 ders and decrees in respect to alimony and allow-
4 ances, or in respect to temporary separation, sep-
5 arate maintenance, or the custody and support of
6 minor children.

1 SECTION 3. The powers of the judges of the
2 superior court under section eighteen of chapter
3 one hundred and fifty-two of the Revised Laws
4 shall not be affected by this act.

1 SECTION 4. This act shall take effect upon its
2 passage.