

By Mr. Carney of Boston, petition of James W. Kirk relative to limiting directed verdicts in certain jury trials. The Judiciary.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty-Nine.

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AN ACT TO LIMIT DIRECTED VERDICTS IN JURY TRIALS.

*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 231 of the General Laws is hereby amended by in-  
2 serting after section 120 the following section:—  
3 *Section 120A.* In all actions of tort tried to a jury the justice  
4 shall submit the issues of liability and damages to the jury. If  
5 the trial justice is of the opinion that there is no evidence or  
6 any inferences from the testimony on which liability may be  
7 based, he shall nevertheless submit the action with appropriate  
8 instructions as to the requirements of proof and inferences and  
9 the law applicable for the verdict of the jury. No verdict shall  
10 be directed by the trial justice because of the variance of plead-  
11 ings or specifications and the evidence at the trial of an action  
12 of tort where a prima facie case has otherwise been proven. This  
13 section shall not prevent the trial justice from entering a ver-  
14 dict in accordance with leave reserved as provided under section  
15 one hundred and twenty.

