

compensated by Norfolk county at an annual rate, to be determined by him with the approval of the county commissioners, not in excess of ten thousand dollars.

*Approved August 22, 1969.*

**Chap. 761.** AN ACT LIMITING THE EFFECT OF CONTRIBUTORY NEGLIGENCE AS A DEFENSE AND ESTABLISHING THE DOCTRINE OF COMPARATIVE NEGLIGENCE.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 231 of the General Laws is hereby amended by striking out section 85 and inserting in place thereof the following section:—

*Section 85.* Contributory negligence shall not bar recovery in any action by any person or legal representative to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not as great as the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person for whose injury, damage or death recovery is made.

In any such action the court, in a nonjury trial, shall make findings of fact or, in a jury trial, the jury shall return a special verdict, which shall state:

(1) the amount of the damages which would have been recoverable if there had been no contributory negligence; and

(2) the degree of negligence of each party, expressed as a percentage.

Upon such findings of fact or the return of such a special verdict by the jury, the court shall reduce the amount of the damages in proportion to the amount of negligence attributable to the person for whose injury, damage or death recovery is made; provided, however, that if said proportion is equal to or greater than the negligence of the person against whom recovery is sought, then, in such event, the court shall enter judgment for the defendant.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-one, and shall apply only to causes of action arising on or after said date.

*Approved August 22, 1969.*

**Chap. 762.** AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO PROVIDE REIMBURSEMENT FOR CERTAIN TAXES ERRONEOUSLY ASSESSED AND COLLECTED FROM ANNA W. RITCHIE.

*Be it enacted, etc., as follows:*

The town of Braintree is hereby authorized to appropriate and pay to Anna W. Ritchie of Marshfield the sum of two hundred and twenty-five dollars, the same being the amount collected by said town from said Anna W. Ritchie as taxes in the years nineteen hundred and sixty-one through nineteen hundred and sixty-six upon certain real estate in said town, which was erroneously assumed by the assessors of said town to have been the property of said Anna W. Ritchie.

No payment shall be made hereunder until there has been filed with the town accountant of Braintree an agreement signed by said Anna W. Ritchie that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this act shall not exceed ten per cent of the amount paid or payable hereunder.

*Approved August 22, 1969.*