

SENATE No. 52.

SENATE, Jan. 31, 1900.

[Introduced on leave by Senator Attwill of Essex. Joint Judiciary.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred.

AN ACT

To establish Contribution between Defendants in
Actions of Tort for Negligence.

*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. When a judgment is rendered in
2 any court in favor of the plaintiff in an action of
3 tort for negligence against more than one defend-
4 ant, the laws of contribution shall apply, and any
5 defendant paying the whole or more than his pro-
6 portionate share of such judgment shall be enti-
7 tled to recover any excess by him paid from the
8 other defendants.

1 SECTION 2. Any defendant sued in an action
2 of tort for negligence may petition the court to

3 cite in additional defendants, if he alleges under
4 oath that he is informed and believes that other
5 defendants are liable, jointly or solely, and on such
6 petition the court shall issue the necessary process
7 to summon such other defendants to defend the
8 action. Such petition shall not be evidence of any
9 admission of liability on the part of the defendant
10 filing the same. And if the judgment rendered
11 in a suit where additional defendants have been
12 cited in is in favor of one or more of such defend-
13 ants, then and in that event such defendant or
14 defendants shall recover their taxable costs against
15 the defendant filing such petition.