

**A DIGEST OF THE PUBLIC ACTS  
OF 1882, WHICH AFFECT THE  
PUBLIC STATUTES, WITH  
DECISIONS FROM VOLS. 130 AND  
131 MASSACHUSETTS REPORTS**

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A Digest of the Public Acts of 1882, which Affect the Public Statutes, with Decisions from Vols. 130 and 131 Massachusetts Reports by Charles U. Bell

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**CHARLES U. BELL**

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Massachusetts Digest

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# DIGEST

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OF THE

# PUBLIC ACTS

OF 1882,

WHICH AFFECT THE PUBLIC STATUTES,

WITH DECISIONS FROM

VOLS. 130 AND 131 MASSACHUSETTS REPORTS.

BY CHARLES U. BELL,

OF THE ESSEX BAR.

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The design of this work is to give under the proper chapter and section of the Public Statutes, a brief statement of subsequent legislation affecting such section, and also to give the more important cases arising under it, or construing it, in the Reports issued since the Public Statutes.

C. U. B.

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# DIGEST OF LAWS.

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1882.

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## CHAPTER 1.

### OF THE JURISDICTION OF THE COMMONWEALTH AND PLACES CEDED TO THE UNITED STATES.

SECTION 4 gives the United States concurrent jurisdiction with the Commonwealth over lands to which they acquire a title in fee for various public purposes, to which is now added, "or for the use of the United States Fish and Fisheries Commission."

St. 1882, c. 131.

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## CHAPTER 2.

### OF THE GENERAL COURT.

SECTIONS 17, 18. Compensation of messengers and pages. Superseded by St. 1882, c. 257, §§ 2, 3, fixing the compensation of the messengers at five dollars per day, doorkeepers, assistant doorkeepers and postmaster at five dollars per day and one hundred dollars in addition, and pages at three dollars per day.

SECTION 22. Compensation of assistant clerks of senate and house increased to twelve hundred dollars, from nine hundred dollars.

St. 1882, c. 257, § 1.

SECTION 27. The limit of the number of doorkeepers, assistant doorkeepers, messengers and pages is increased from twenty-five to thirty-two.

St. 1882, c. 257, § 4.

SECTION 34. No session of the legislature, and public offices closed, on Monday, when Christmas falls on Sunday.

St. 1882, c. 49.



## CHAPTER 3.

## OF THE STATUTES.

“Mayor and aldermen” shall mean “board of aldermen,” unless provision is otherwise made, and except in case of appointments.

St. 1882, c. 164.

SECTION 3. (G. S., c. 3, § 7.) Robinson’s case, 131 Mass. 376.

SECTION 3, Cl. 16. (G. S., c. 3, § 7.) Dickie vs. Boston & Albany Railroad, 131 Mass. 516.

## CHAPTER 4.

## OF THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

Tables of changes in the Public Statutes by subsequent legislation, and indexes, are to be prepared and published with such editions of the laws as the governor directs.

St. 1882, c. 238.

SECTION 7. St. 1882, c. 6, § 1, adds “of labor” after “bureau of statistics.”

SECTION 10. St. 1882, c. 158, gives the assistant clerks the same documents as the clerks.

By Res. 1882, c. 57, a contract for the state printing for five years is to be made in the mode there provided.

## CHAPTER 5.

## OF THE STATE HOUSE, THE SERGEANT-AT-ARMS, AND STATE LIBRARY.

*The State Library.*

SECTION 18. Two thousand dollars instead of eighteen hundred given for assistance in the library.

St. 1882, c. 29.

SECTION 20. The amount appropriated for books, furniture, etc., increased to thirty-three hundred dollars.

St. 1882, c. 196.

## CHAPTER 6.

## OF THE QUALIFICATION AND REGISTRATION OF VOTERS.

St. 1882, c. 247, provides the mode of correcting errors in names upon the tax-bills of persons assessed.

If the name of a person was on the check-list of the previous year, and he has been assessed, but his name is omitted from the list of polls by clerical error, the assessors may correct the mistake.

St. 1882, c. 268.

## CHAPTER 7.

## OF THE MANNER OF CONDUCTING ELECTIONS AND RETURNING VOTES.

SECTION 29, providing how check-lists shall be sealed up and preserved, is amended to require the clerk to keep them for the same time that he now keeps ballots, and then transmit them to the board acting as registrars of voters, who are to preserve them on file.

St. 1882, c. 74.

SECTION 45. If the copies of the records of votes are incomplete or erroneous, new copies may be required. Wilful neglect to furnish them is punished.

St. 1882, c. 28, §§ 1, 2.

An abstract of the returns, and a statement of all cases where corrected returns have been received, is furnished to newspapers applying, and the copies are open to inspection by persons interested.

St. 1882, c. 28, § 3.

Detached stickers, or separate pieces of paper of a surface of less than six square inches, are not to be counted, but are preserved.

St. 1882, c. 260.

## CHAPTER 9.

## OF THE ELECTION OF REPRESENTATIVES IN CONGRESS, AND ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

SECTIONS 1, 2, fixing the congressional districts are superseded by the new act.

St. 1882, c. 253.

## CHAPTER 11.

## OF THE ASSESSMENT OF TAXES.

SECTION 3. (G. S., c. 11, § 3.) *Milligan vs. Drury*, 130 Mass. 428.

SECTION 4, describing taxable personal estate, is amended in the line reading, "but not including in such debts due any loan on mortgage of real," by striking out "due" and inserting in its place "or indebtedness."

St. 1882, c. 76.

SECTION 5, Cl. 3. St. 1882, c. 217, § 2, excludes from the exemption given to literary, scientific, and charitable institutions, persons and corporations wilfully omitting to bring in the list of real and personal property required, but it does not apply to corporations making returns to the insurance commissioner.

SECTION 14, which provides for the taxation of mortgaged real estate, and prevents double taxation, is amended by St. 1882, c. 175.

SECTION 20. Two classes are added: 8th, personal property held by an assignee in insolvency, or by an assignee for creditors, is assessed to him. 9th, held by joint owners, not partners, to them according to their respective interests.

St. 1882, c. 165.

SECTION 24. (G. S., c. 11, § 15.) *Oliver vs. Lynn*, 130 Mass. 143.

SECTION 33. (G. S., c. 39, St. 1873, c. 315.) *Little vs. Little*, 131 Mass. 367.

SECTION 38. A return of mortgaged real estate, giving the amount of the mortgage, is provided for in the law as to double taxation.

St. 1882, c. 175.

A return of property held for literary, benevolent, charitable, or scientific purposes, and of the receipts and expenditures, is required of persons and corporations, except such as make return to the insurance commissioner under Pub. St., c. 115, § 11; 1882, c. 217.

SECTIONS 38, 39, 40. (G. S., c. 11, §§ 22, 23, 25.) *Lanesborough vs. County Commissioners*, 131 Mass. 424.

SECTION 41. (G. S., c. 11, § 27.) *Harwood vs. North Brookfield*, 130 Mass. 565.

SECTION 62. (G. S., c. 11, § 38.) *Harwood vs. North Brookfield*, 130 Mass. 563.

SECTION 69. (G. S., c. 11, § 43.) *Oliver vs. Lynn*, 130 Mass. 143.