

SENATE No. 239

To accompany the petition of Katherine Amory Hooper for legislation to authorize certain concerts and recital dances on the Lord's Day. Mercantile Affairs.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING CONCERTS AND RECITAL DANCES ON THE LORD'S DAY.

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. Section two of chapter one hundred
2 and thirty-six of the General Laws, as most recently
3 amended by chapter seventy-eight of the acts of
4 nineteen hundred and thirty-five, is hereby further
5 amended by inserting after the word "four" in the
6 fourth line the words: — or section four B, — so as to
7 read as follows: — *Section 2.* Whoever on the Lord's
8 day is present at a game, sport, play or public diver-
9 sion, except a concert of sacred music, a public enter-
10 tainment duly licensed as provided in section four or
11 section four B or a free open air concert given by a
12 town, or by license of the mayor or the selectmen,
13 upon a common or public park, street or square, or
14 except a game of golf conducted on an open air golf
15 course other than a miniature golf course, so called, or

16 except a game of tennis or dancing at a wedding if
17 no charge is made for being present or for dancing,
18 shall be punished by a fine of not more than five
19 dollars. Whoever on the Lord's day takes part in
20 any game, sport, play or public diversion, except as
21 aforesaid, shall be punished by a fine of not more than
22 fifty dollars. This and the following section shall not
23 apply to amusement enterprises lawfully conducted
24 under section four A or to sports or games conducted
25 in accordance with sections twenty-one to twenty-five,
26 inclusive, in any city or town which accepts said
27 sections or in accordance with sections twenty-six to
28 thirty-two, inclusive, in any city or town in which
29 said sections twenty-six to thirty-two are then in force.

1 SECTION 2. Section three of said chapter one hun-
2 dred and thirty-six, as appearing in the Tercentenary
3 Edition, is hereby amended by inserting after the
4 word "section" in the eleventh line, the words:—
5 or under section four B,— so as to read as follows:—
6 *Section 3.* Whoever offers to view, sets up, estab-
7 lishes, maintains, or attempts to set up, establish or
8 maintain, or promotes or assists in such attempt, or
9 promotes, or aids, abets or participates in offering to
10 view setting up, establishing or maintaining any
11 public entertainment on the Lord's day, except a
12 concert of sacred music, or a free open air concert
13 given as provided in the preceding section, unless such
14 public entertainment shall be in keeping with the
15 character of the day and not inconsistent with its
16 due observance and duly licensed as provided in the
17 following section, or whoever on the Lord's day acts
18 as proprietor, manager or person in charge of a game,
19 sport, play or public diversion, except a public enter-

20 tainment licensed under the following section, or
21 under section four B, a concert of sacred music, or a
22 free open air concert given as aforesaid, shall be
23 punished by a fine of not more than five hundred
24 dollars.

1 SECTION 3. Said chapter one hundred and thirty-
2 six is hereby further amended by inserting after sec-
3 tion four A, inserted therein by section two of chapter
4 one hundred and fifty of the acts of nineteen hundred
5 and thirty-three, and as later amended, the following
6 new section: —

7 *Section 4B.* Except as provided in section one
8 hundred and five of chapter one hundred and forty-
9 nine, the mayor of a city or the selectmen of the town
10 may, upon written application describing the proposed
11 entertainment, grant, upon such terms or conditions
12 as they may prescribe, a license to hold on the Lord's
13 day public entertainments, in the form of concert
14 and recital dances, in keeping with the character of
15 the day and not inconsistent with its due observance,
16 to which admission is to be obtained upon payment
17 of money or other valuable consideration; provided,
18 that no such license shall be granted to have effect
19 before two o'clock in the afternoon, nor shall it have
20 effect unless the proposed entertainment shall, upon
21 application accompanied by a fee of two dollars, have
22 been approved in writing by the commissioner of
23 public safety as being in keeping with the character
24 of the day and not inconsistent with its due observ-
25 ance, nor in any event if such concert and recital
26 dances are included as a part of any then current
27 theatrical or other production in such city or town or
28 have been performed therein more than three con-

29 secutive times during the six days immediately pre-
30 ceding such Lord's day. Any such license may, after
31 notice and a hearing given by the mayor or selectmen
32 issuing the same, or by said commissioner, be sus-
33 pended, revoked or annulled by the officer or board
34 giving the hearing.

1 SECTION 4. This act shall take full effect in a city
2 or town upon its acceptance by vote of the city council
3 or by the selectmen, as the case may be, but not
4 otherwise.