

By Mr. Fox of Boston, petition of Annie Banard and Isidore H. Fox that the sale of provisions, fish, fruit and vegetables be permitted before twelve o'clock on the Lord's Day in certain instances. Legal Affairs. Jan. 3.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Eight.

An Act permitting Certain Sales of Provisions, Fish, Fruit and Vegetables 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 six of chapter one hundred and thirty-six
2 of the General Laws, as amended by chapter one
3 hundred and seventy-five of the acts of nineteen
4 hundred and twenty-seven, is hereby further amended
5 by inserting after the word "them" in the forty-
6 second line, the following:—the retail sale and
7 delivery of provisions, fish, fruit and vegetables
8 before twelve o'clock noon of that day, whenever
9 Rosh Hashonah, or the Day of Atonement, com-
10 mences on the Lord's day, by any person, who,
11 according to his religious belief, observes Rosh
12 Hashonah, and the Day of Atonement, as holy
13 days, — so as to read as follows:— *Section 6.* The
14 preceding section shall not prohibit the manufacture
15 and distribution of steam, gas or electricity for illu-
16 minating purposes, heat or motive power; the dis-
17 tribution of water for fire or domestic purposes; the

18 use of the telegraph or the telephone; the retail sale
19 of drugs and medicines, or articles ordered by the
20 prescription of a physician, or mechanical appliances
21 used by physicians or surgeons; the retail sale of
22 tobacco in any of its forms by licensed innholders,
23 common victuallers, druggists and newsdealers whose
24 stores are open for the sale of newspapers every day
25 in the week; the retail sale of ice cream, soda water
26 and confectionery by licensed innholders and drug-
27 gists, and by such licensed common victuallers as
28 are not also licensed to sell certain non-intoxicating
29 beverages, as defined in section one of chapter one
30 hundred and thirty-eight, and who are authorized to
31 keep open their places of business on the Lord's
32 day; the sale of ice cream, soda water, confectionery
33 or fruit by persons licensed under the following
34 section or the keeping open of their places of business
35 for the sale thereof; work lawfully done by persons
36 working under permits granted under section nine;
37 the sale by licensed innholders and common victual-
38 lers of meals such as are usually served by them,
39 consisting in no part of intoxicating liquors, which
40 meals are cooked on the premises but are not to be
41 consumed thereon; the operation of motor vehicles;
42 the sale of gasoline and oil for use, and the retail sale
43 of accessories for immediate necessary use, in con-
44 nection with the operation of motor vehicles, motor
45 boats and air craft; the letting of horses and car-
46 riages or of boats; unpaid work on pleasure boats;
47 the running of steam ferry boats on established
48 routes; the running of street railway cars; the
49 running of steamboat lines and trains or of steam-
50 boats, if authorized under section nineteen; the
51 preparation, printing and publication of newspapers,

52 or the sale and delivery thereof; the wholesale or
53 retail sale and delivery of milk, or the transportation
54 thereof, or the delivery of ice cream; the making of
55 butter and cheese; the keeping open of public bath
56 houses; the making or selling by bakers or their
57 employees, before ten o'clock in the forenoon and
58 between the hours of four o'clock and half past six
59 o'clock in the afternoon, of bread or other food usually
60 dealt in by them; the retail sale and delivery of
61 provisions, fish, fruit and vegetables before twelve
62 o'clock noon of that day, whenever Rosh Hashonah,
63 or the Day of Atonement, commences on the Lord's
64 day, by any person, who, according to his religious
65 belief, observes Rosh Hashonah, and the Day of
66 Atonement, as holy days, the selling of kosher meat
67 by any person who, according to his religious belief,
68 observes Saturday as the Lord's day by closing his
69 place of business during the day until six o'clock in
70 the afternoon or the keeping open of his shop on the
71 Lord's day for the sale of kosher meat between the
72 hours of six o'clock and ten o'clock in the forenoon;
73 the performing of secular business and labor on the
74 Lord's day by any person who conscientiously
75 believes that the seventh day of the week ought to be
76 observed as the Sabbath and actually refrains from
77 secular business and labor on that day, if he disturbs
78 no other person thereby; the carrying on of the busi-
79 ness of bootblack before eleven o'clock in the fore-
80 noon; the digging of clams; the icing and dressing
81 of fish; the cultivation of land, and the raising, har-
82 vesting, conserving and transporting of agricultural
83 products during the existence of war between the
84 United States and any other nation and until the
85 first day of January following the termination thereof;

86 the sale of catalogues of pictures and other works
87 of art in exhibitions held by societies organized for
88 the purpose of promoting education in the fine arts
89 or the exposure of photographic plates and films for
90 pleasure, if the pictures to be made therefrom are
91 not intended to be sold and are not sold.