

# SENATE . . . . No. 364

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To accompany the petition of Samuel S. Kenny and another for legislation to prevent evasion of the law in relation to the use of the flag of the United States and the State flag. Legal Affairs.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

### AN ACT

To prevent Evasion of the Law in Relation to the Use of the Flag of the United States or that of Massachusetts.

*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 five of chapter two hundred and  
2 six of the Revised Laws, as amended by chapter four  
3 hundred and sixty-four of the acts and resolves of the  
4 year nineteen hundred and thirteen, is hereby amended  
5 by adding the following:— words, figures, advertise-  
6 ments or designs attached to or directly or indirectly con-  
7 nected with such flag or any representation thereof in  
8 such manner that the flag or its representation is used to  
9 attract attention to or advertise such words, figures, ad-  
10 vertisements or designs, shall for the purposes of this  
11 act be deemed to be upon the flag,— so as to read as

12 follows:— *Section 5.* Whoever publicly mutilates,  
13 tramples upon, defaces or treats contemptuously the flag  
14 of the United States or of Massachusetts, whether such  
15 flag is public or private property, or whoever displays  
16 such flag or any representation thereof upon which are  
17 words, figures, advertisements or designs, or who shall in  
18 this commonwealth expose to public view, manufacture,  
19 sell, expose for sale, give away or have in possession for  
20 sale or to give away or for use for any purpose, any  
21 article or substance, being an article of merchandise or a  
22 receptacle of merchandise or articles upon which shall be  
23 attached through a wrapping or otherwise, engraved or  
24 printed in any manner, a representation of the United  
25 States flag, shall be punished by a fine of not less than  
26 ten nor more than one hundred dollars; but a flag which  
27 belongs to a grand army post, to a camp of the legion  
28 of Spanish war veterans or which is the property of or  
29 is used in the service of the United States or of this  
30 commonwealth may have the names of battles and the  
31 name and number of the organization to which such flag  
32 belongs inscribed thereon. Words, figures, advertisements  
33 or designs attached to or directly or indirectly connected  
34 with such flag or any representation thereof in such man-  
35 ner that the flag or its representation is used to attract  
36 attention to or advertise such words, figures, advertise-  
37 ments or designs, shall for the purposes of this act be  
38 deemed to be upon the flag.

1 SECTION 2. This act shall take effect upon its passage.