

HOUSE No. 1271.

[Senate, No. 174, as ordered printed by the House.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-five.

AN ACT

To regulate the Observance of 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. Whoever is present at a game, sport,
2 play or public diversion, except a concert of sacred
3 music, or an entertainment given by a religious or char-
4 itable society, the proceeds of which, if any, are to be
5 devoted exclusively to a charitable or religious purpose,
6 upon the Lord's day shall be punished by a fine not ex-
7 ceeding five dollars for each offence.

1 SECT. 2. Whoever on the Lord's day keeps open his
2 shop, warehouse or workhouse or does any manner of
3 labor, business or work, except works of necessity and
4 charity, or takes part in any sport, game or play, [N]
5 except a concert of sacred music, or an entertainment

6 given by a religious or charitable society, the proceeds
7 of which, if any, are to be devoted exclusively to a char-
8 itable or religious purpose, shall be punished by fine not
9 exceeding fifty dollars for each offence, and the proprie-
10 tor, manager or person in charge of such game, sport,
11 play, [O] dancing, public diversion [P] or entertain-
12 ment, other than such concert of sacred music, or an en-
13 tertainment given by a religious or charitable society, the
14 proceeds of which, if any, are to be devoted exclusively
15 to a charitable or religious purpose, shall be punished by
16 fine not less than fifty and not exceeding five hundred
17 dollars for each offence ; but nothing in this section shall
18 be held to prohibit the manufacture and distribution of
19 steam, gas or electricity for illuminating purposes, heat
20 or motive power, nor the distribution of water for fire or
21 domestic purposes, nor the use of the telegraph or the
22 telephone, nor the retail sale of drugs and medicines, nor
23 articles ordered by the prescription of a physician, nor
24 mechanical appliances used by physicians or surgeons,
25 nor the letting of horses and carriages, nor the letting of
26 yachts and boats, nor the running of steam ferry boats
27 on established routes, or of street railway cars, nor the
28 preparation, printing and publishing of newspapers, nor
29 the sale and delivery of newspapers, nor the wholesale
30 or retail sale and delivery of milk, nor the transportation
31 of milk, nor the making of butter and cheese, nor the
32 keeping open of public bath houses, nor the making or
33 selling by bakers or their employees of bread or other
34 food usually dealt in by them before ten o'clock in the
35 morning and between the hours of four o'clock and half
36 past six o'clock in the evening. [Q]

1 SECT. 3. Section one hundred and fifteen of chapter
2 one hundred and two of the Public Statutes is hereby
3 amended by adding at the end thereof the words : “ *pro-*

4 *vided, however*, that they shall not grant a license for
5 any such theatrical exhibitions, public shows, public
6 amusements or exhibitions of any description whatso-
7 ever to be held upon the Lord's day," so as to read as
8 follows:—

9 *Section 115.* The mayor and aldermen of a city or
10 the selectmen of a town may, except as provided in
11 section nine of chapter forty-eight, license theatrical
12 exhibitions, public shows, public amusements, and ex-
13 hibitions of every description to which admission is
14 obtained upon payment of money or the delivery of any
15 valuable thing, or by a ticket or voucher obtained for
16 money or any valuable thing, upon such terms and con-
17 ditions as they deem reasonable; and they may revoke
18 or suspend the same at their pleasure; *provided, however*,
19 that they shall not grant a license for any such theatrical
20 exhibitions, public shows, public amusements or exhibi-
21 tions of any description whatsoever to be held upon the
22 Lord's day.

1 SECT. 4. Nothing in the preceding sections shall be
2 held to prohibit the giving, being present at, or taking
3 part in a concert of sacred music, or an entertainment,
4 given by a religious or charitable society, the proceeds
5 of which, if any, are to be devoted exclusively to a char-
6 itable or religious purpose upon the Lord's day, or a free
7 open-air concert given by a city or town, or by license
8 of the mayor and aldermen of a city or the selectmen of
9 a town, upon a common, public park, street or square.

1 SECT. 5. Sections one and two of chapter ninety-
2 eight of the Public Statutes, sections one and two of
3 chapter three hundred and ninety-one of the acts of the
4 year eighteen hundred and eighty-seven, chapter forty-
5 one of the acts of the year eighteen hundred and ninety-

6 three and chapter three hundred and fifty-three of the
7 acts of the year eighteen hundred and ninety-four are
8 hereby repealed.

1 SECT. 6. All licenses for any public entertainment or
2 entertainments to be held upon the Lord's day, or now
3 in existence or in force for that purpose, are hereby
4 revoked and cancelled.

The Senate has also amended the bill, as amended, in section 2, as follows:—

At [N] by inserting the words “or public diversion.”

At [O] by striking out the word “dancing” and inserting in place thereof the word “or.”

At [P] by striking out the words “or entertainment.”

At [Q] by adding the words “Whoever conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall not be liable to the penalties of this section for performing secular business and labor on the Lord's Day, if he disturbs no other person.”