

# HOUSE . . . . No. 892

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Bill accompanying the petition of Andrew A. Casassa and others for legislation relative to the Lord's day and to the giving of entertainments on that day. Legal Affairs. January 17.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

### AN ACT

Relative to the Observance of the Lord's Day and the Giving of Entertainments on that 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 one of chapter ninety-eight of the  
2 Revised Laws, as amended by section one of chapter  
3 three hundred and eighty-five of the acts of nineteen  
4 hundred and eight, is hereby further amended by strik-  
5 ing out the words, "nor unless the proposed entertain-  
6 ment shall be approved in writing by the chief of the  
7 district police as being in keeping with the character of  
8 the day and not inconsistent with its due observance",  
9 and the words, "or by the chief of the district police",  
10 and inserting in place thereof the following, — so that said  
11 section will read as follows: — *Section 1.* Whoever on  
12 the Lord's day is present at a game, sport, play or pub-

13 lic diversion, except a concert of sacred music or a pub-  
14 lic entertainment duly licensed as hereinafter provided,  
15 or a free open air concert given by a city or town or by  
16 license of the mayor of the city or the selectmen of a  
17 town, upon a common or public park, street or square,  
18 shall be punished by a fine of not more than five dollars  
19 for each offence. The mayor of a city and the select-  
20 men of a town may, except as provided in section forty-  
21 six of chapter one hundred and six of the Revised Laws,  
22 upon written application describing the proposed enter-  
23 tainment grant licenses for public entertainments to be  
24 held on the Lord's day which shall be in keeping with  
25 the character of the day and not inconsistent with its due  
26 observance, and to which admission is to be obtained  
27 upon payment of money or some other pecuniary or  
28 valuable consideration, such license to be issued sub-  
29 ject to such terms or conditions as the mayor or select-  
30 men may prescribe: *provided, however*, that no such  
31 license shall be granted to have effect before one o'clock  
32 in the afternoon. Any such license may, after notice  
33 and a hearing given by the mayor or selectmen issuing  
34 the same, be suspended, revoked or annulled by them or  
35 him. Whoever offers to view, sets up, establishes,  
36 maintains or attempts to set up, establish or maintain or  
37 promotes or assists in such attempt, or promotes or aids,  
38 abets or participates in offering to view, setting up,  
39 establishing or maintaining any public entertainment on  
40 the Lord's day except a concert of sacred music or free  
41 open air concert, as hereinbefore provided, unless such  
42 public entertainment shall be in keeping with the char-  
43 acter of the day and not inconsistent with its due  
44 observance and duly licensed as herein provided, shall  
45 be punished by a fine of not more than five hundred  
46 dollars.

1 SECTION 2. Section one hundred and seventy-two of  
2 chapter one hundred and two of the Revised Laws, as  
3 amended by section four, chapter four hundred and sixty  
4 of the acts of the year nineteen hundred and four, by  
5 chapter three hundred and forty-one of the acts of  
6 nineteen hundred and five, chapter two hundred and  
7 seventy-four of the acts of nineteen hundred and seven,  
8 and section two, chapter three hundred and eighty-nine  
9 of the acts of nineteen hundred and eight, is further  
10 amended by striking out the words, “nor unless the  
11 proposed entertainment shall be approved in writing by  
12 the chief of the district police as being in keeping with  
13 the character of the day and as not inconsistent with its  
14 due observance”, and the words, “or by the chief of  
15 the district police”, and inserting in place thereof the  
16 following, — so that said section two will read as follows:  
17 — *Section 172.* The mayor of a city or the selectmen of  
18 a town may, except as provided in section forty-six of  
19 chapter one hundred and six of the Revised Laws  
20 grant upon such terms and conditions as they deem  
21 reasonable a license for theatrical exhibitions, public  
22 shows, public amusements and exhibitions of every  
23 description to which admission is obtained upon pay-  
24 ment of money or upon the delivery of any valuable  
25 thing, or by a ticket or voucher obtained for money or  
26 any valuable thing, or in which after free admission,  
27 amusement is furnished upon a deposit of money in  
28 a mechanical device known as the “nickel in the slot”  
29 machine or “penny in the slot” machine, or in any  
30 other similar machine, and the mayor or selectmen may  
31 revoke or suspend such license at their pleasure, but  
32 they shall not grant a license for any such theatrical  
33 exhibitions, public shows or public amusements or ex-  
34 hibitions of any description whatever to be held upon

35 the Lord's day, except that they may grant licenses for  
36 public entertainments to be held on the Lord's day which  
37 shall be in keeping with the character of the day and not  
38 inconsistent with its due observance to which admission  
39 is obtained upon payment of money or some other  
40 pecuniary or valuable consideration, such license to be  
41 issued subject to such terms or conditions as the mayor  
42 or selectmen may prescribe: *provided, however,* that no  
43 such license to be exercised on the Lord's day shall be  
44 granted to have effect before one o'clock in the afternoon,  
45 and any such license may, after notice and a hearing  
46 given by the mayor or selectmen issuing the same, be sus-  
47 pended, revoked or annulled by them or him, and no such  
48 exhibition, show or amusement, except a concert of  
49 sacred music or a free open air concert given by a city  
50 or town upon a common, public park, street or square,  
51 shall be given without such license.

1 SECTION 3. This act shall take effect upon its passage.