

Chapter 272 Section 34

HISTORICAL AND STATUTORY NOTES – from WestLaw

[B.L. c. 94, §§ 7, 8.](#) – Massachusetts Body of Liberties of 1641

- *Search for “94” within download; Chapter 94 begins on page 25*
 - o Retrieved from [OLL](#)
- “1. If any man after legall conviction shall have or worship any other god, but the lord god, he shall be put to death. dut. 13.6.10, dut. 17.2.6, ex. 22.20
- 2. If any man or woeman be a witch, (that is hath or consulteth with a familiar spirit,) They shall be put to death. ex. 22.18, lev. 20.27, dut. 18.10
- 3. If any person shall Blaspheme the name of God, the father, Sonne, or Holie ghost, with direct expresse, presumptuous or high handed blasphemie, or shall curse god in the like manner, he shall be put to death. lev. 24.15.16
- 4. If any person committ any wilfull murther, which is manslaughter, committed upon premeditated mallice, hatred, or Crueltie, not in a mans necessarie and just defence, nor by meere casualtie against his will, he shall be put to death. ex. 21.12, numb. 35.13.14, 30.31
- 5. If any person slayeth an other suddainely in his anger or Crueltie of passion, he shall be put to death. numb. 25.20.21, lev. 24.17
- 6. If any person shall slay an other through guile, either by poysoning or other such divelish practice, he shall be put to death. ex. 21.14
- 7. If any man or woman shall lye with any beast or brute creature by Carnall Copulation, They shall surely be put to death. And the beast shall be slaine and buried and not eaten. lev. 19.23
- 8. If any man lyeth with mankinde as he lyeth with a woeman, both of them have committed abhomination, they both shall surely be put to death. lev. 19.22
- 9. If any person committeth Adultery with a married or espoused wife, the Adulterer and Adulteresse shall surely be put to death. ex. 20.14
- 10. If any man stealeth a man or mankinde, he shall surely be put to death. ex. 21.16
- 11. If any man rise up by false witnes, wittingly and of purpose to take away any man’s life, he shall be put to death. dut. 19.16, 18. 19
- 12. If any man shall conspire and attempt any invation, insurrection, or publique rebellion against our commonwealth, or shall indeavour to surprize any Towne or Townes, fort or forts therein, or shall treacherously and perfediouslie attempt the alteration and subversion of our frame of politie or Government fundamentallie, he shall be put to death.”

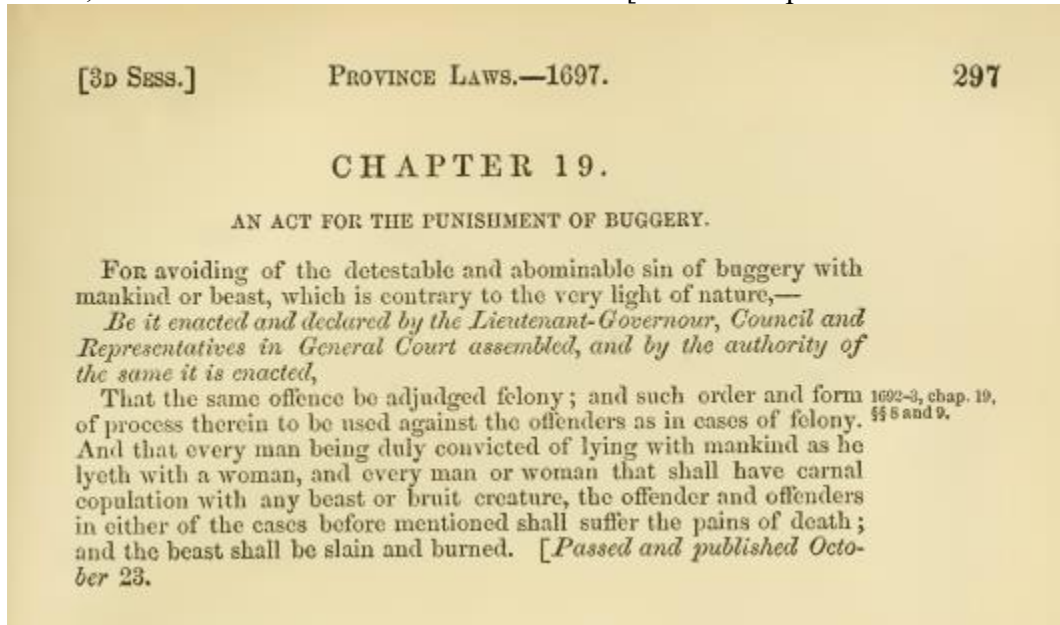
[C.L. c. 14, §§ 7, 8.](#) – Colonial Laws, Boston ed. Of 1890

- Retrieved [online](#) from the Mass Law Library; full PDF available [here](#)
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Lev. 20. 15, 16.	7. If any man or woeman shall lye with any beaste or brute creature by Carnall Copulation, They shall surely be put to death. And the beast shall be slaine and buried and not eaten.	s. 7.
Lev. 20. 17.	8. If any man lyeth with mankind as he lyeth with a woeman, both of them have committed abhominaton, they both shall surely be put to death.	s. 8.

[St.1697, c. 19.](#) – Chapter 19 of the Acts of 1697

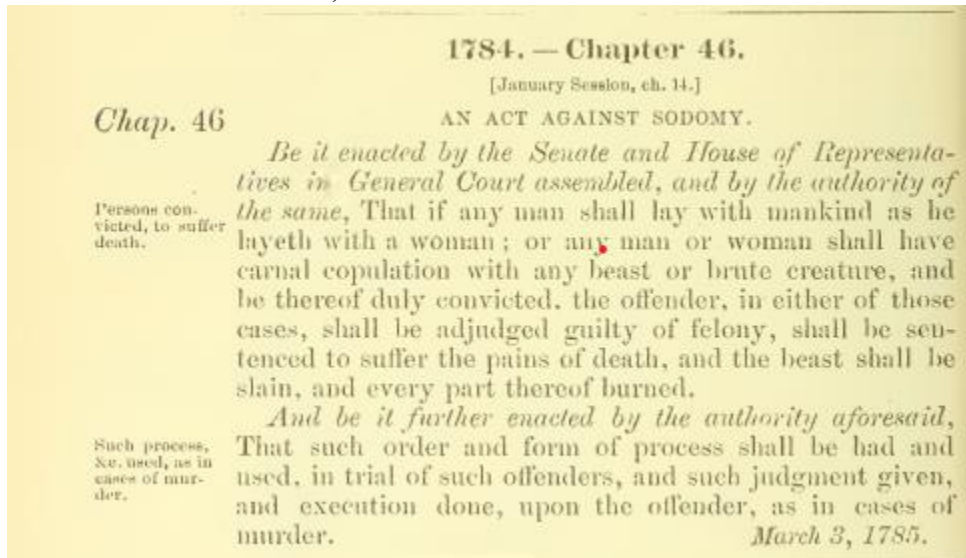
- “CHAPTER 19. AN ACT FOR THE PUNISHMENT OF BUGGERY. For avoiding of the detestable and abominable sin of buggery with mankind or beast, which is contrary to the very light of nature, — Be it enacted and declared by the Lieutenant- Governour, Council and Representatives in General Court assembled, and by the authority of the same it is enacted. That the same offence be adjudged felony ; and such order and form of process therein to be used against the offenders as in cases of felony. §§8and9. And that every man being duly convicted of lying with mankind as he lyeth with a woman, and every man or woman that shall have carnal copulation with any beast or bruit creature, the offender and offenders in either of the cases before mentioned shall suffer the pains of death ; and the beast shall be slain and burned.” [Passed and published October 23]



[St.1784, c. 46, § 1.](#) – Chapter 46 Section 1 of the Acts of 1784

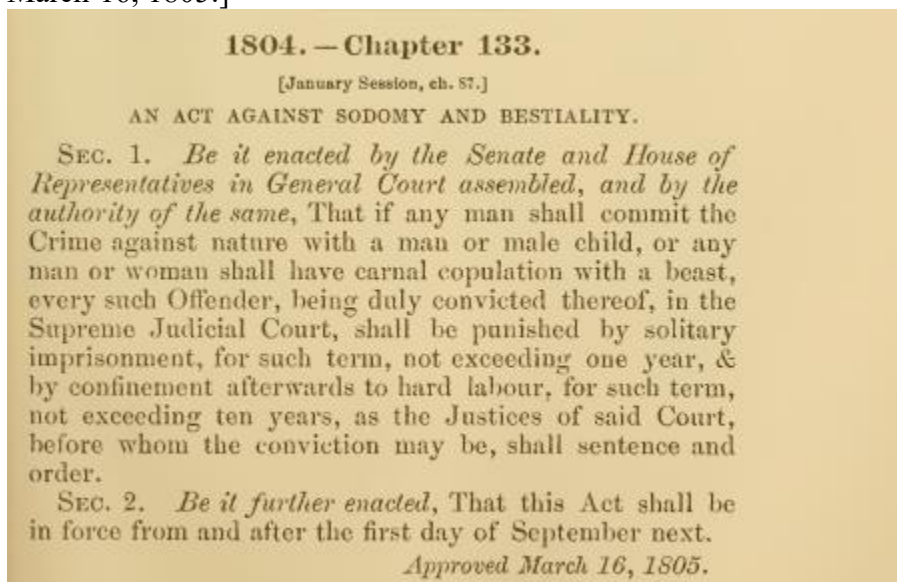
- “AN ACT AGAINST SODOMY. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any man shall lay with mankind as he vie ted to mi iter death.' layeth with a woman ; or any man or woman shall have carnal copulation with any beast or brute creature, and be thereof duly convicted, the offender, in either of those cases, shall be adjudged guilty of felony, shall be sen- tenced to suffer the pains of death, and the beast shall be slain, and every part thereof burned. And be it further enacted by the authority aforesaid, such

process, That such order and form of process shall be had and cases of murder used, in trial of such offenders, and such judgment given, and execution done, upon the offender, as in cases of murder. March 3, 1785.”



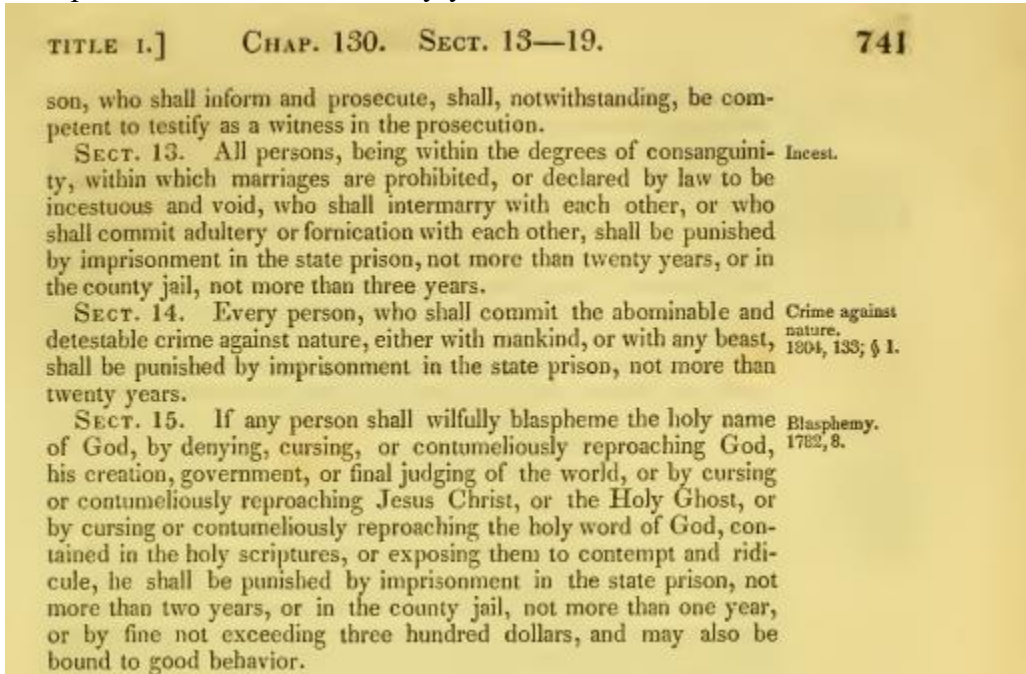
[St.1804, c. 133.](#) – Chapter 133 of the Acts of 1804

- “AN ACT AGAINST SODOMY AND BESTIALITY. Sec. 1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same. That if any man shall commit the Crime against nature with a man or male child, or any man or woman shall have carnal copulation with a beast, every such Offender, being duly convicted thereof, in the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding one year, & by confinement afterwards to hard labour, for such term, not exceeding ten years, as the Justices of said Court, before whom the conviction may be, shall sentence and order. Sec. 2. Be it further enacted. That this Act shall be in force from and after the first day of September next. [Approved March 16, 1805.]”



[R.S.1836, c. 130, § 14.](#) – Chapter 130 Section 14 of the Acts of 1836

- *Page 763 of the PDF*
- “Sect. 14. Every person, who shall commit the abominable and detestable crime against nature, either with mankind, or with any beast, shall be punished by imprisonment in the state prison, not more than twenty years.”



[G.S.1860, c. 165, § 18.](#) – General Statutes 1860 Chapter 165 Section 18

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- “Sect. 18. Whoever commits the abominable and detestable crime against nature, either with mankind, or with any beast, shall be punished by imprisonment in the state prison not exceeding twenty years”

<p>SECT. 16. Any police court or justice of the peace may issue a warrant for the purpose of searching for any obscene books, pamphlets, ballads, printed papers, or other things, mentioned in the preceding section, in the manner provided in chapter one hundred and seventy; and all such things found by an officer in executing a search warrant, or produced or brought into court, shall be safely kept so long as is necessary for the purpose of being used as evidence in any case, and as soon as may be afterwards shall be destroyed by order of the court before whom the same is brought.</p>	<p>Police court, &c., may issue search warrant for such books, &c., and cause to be destroyed. R. S. 130, § 11.</p>
<p>SECT. 17. When a person is convicted under either of the two preceding sections, and sentenced to pay a fine, there shall be paid to the person who informed and prosecuted such offender to conviction, one-half of the amount of the fine actually paid by such convict.</p>	<p>Half of fine to be paid to prosecutor. R. S. 130, § 12. 1852, 312, § 60.</p>
<p>SECT. 18. Whoever commits the abominable and detestable crime against nature, either with mankind, or with any beast, shall be punished by imprisonment in the state prison not exceeding twenty years.</p>	<p>Crime against nature. R. S. 130, § 14.</p>
<p>SECT. 19. Whoever wilfully blasphemes the holy name of God, by denying, cursing, or contumeliously reproaching God, his creation, government, or final judging of the world, or by cursing or contumeliously reproaching Jesus Christ, or the Holy Ghost, or by cursing or contumeliously reproaching the holy word of God, contained in the holy scriptures, or exposing them to contempt and ridicule, shall be punished by imprisonment in the state prison not exceeding two years, or in the jail not exceeding one year, or by fine not exceeding three hundred dollars, and may also be bound to good behavior.</p>	<p>Blasphemy. R. S. 130, § 15. 20 Pick. 290.</p>
<p>SECT. 20. Whoever, having arrived at the age of discretion, profanely curses or swears, shall, on conviction before any justice of the peace or police court, be punished by fine not exceeding five dollars nor less than one dollar; but no prosecution shall be commenced after twenty days from the commission of the offence.</p>	<p>Profane cursing and swearing. R. S. 130, § 16.</p>

[P.S.1882, c. 207, § 18.](#) – Public Statutes 1882 Chapter 207 Section 18

- *Page 1215 of the PDF*
- “Sect. 18. Whoever commits the abominable and detestable crime against nature, either with mankind or with a beast, shall be punished by imprisonment in the state prison not exceeding twenty years.”

<p>SECT. 13. Whoever keeps a house of ill fame, resorted to for the purpose of prostitution or lewdness, shall be punished by imprisonment in the jail not exceeding two years.</p> <p style="text-align: center;">11 Gray, 48. 1 Allen, 7. 12 Allen, 177. 124 Mass. 26.</p>	<p>Keeping house of ill fame. G. S. 165, § 13. 2 Gray, 356.</p>
<p>SECT. 14. When the lessee of a dwelling-house is convicted of the offence mentioned in the preceding section, the lease or contract for letting the house shall, at the option of the lessor, become void; and the lessor shall have the like remedy to recover the possession as against a tenant holding over after the expiration of his term.</p>	<p>Lease of house so kept void at option of lessor. G. S. 165, § 14. 3 Pick. 25.</p>
<p>SECT. 15. Whoever imports, prints, publishes, sells, or distributes a book, pamphlet, ballad, printed paper, or other thing containing obscene, indecent, or impure language, manifestly tending to the corruption of the morals of youth, or an obscene, indecent, or impure print, picture, figure, or description, manifestly tending to the corruption of the morals of youth, or introduces into a family, school, or place of education, or buys, procures, receives, or has in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan, or circulation, or with intent to introduce the same into a family, school, or place of education, shall be punished by imprisonment in the state prison not exceeding five years, or by imprisonment in the jail not exceeding two years, and by fine not exceeding one thousand dollars nor less than one hundred dollars.</p>	<p>Importing, selling, receiving, etc., obscene book, print, etc. 1862, 168, § 1. 1880, 97. 17 Mass. 326. 1 Cush. 66.</p>
<p>SECT. 16. When a person is convicted under the preceding section and sentenced to pay a fine, one-half of the fine actually paid by such offender shall be paid to the person who informed and prosecuted such offender to conviction.</p>	<p>Disposition of penalty. 1862, 168, § 2.</p>
<p>SECT. 17. Whoever sells, lends, gives away, exhibits, or offers to sell, lend, or give away an instrument or other article intended to be used for self-abuse, or any drug, medicine, instrument, or article whatever, for the prevention of conception or for causing unlawful abortion, or advertises the same, or writes, prints, or causes to be written or printed a card, circular, book, pamphlet, advertisement, or notice of any kind stating when, where, how, or of whom, or by what means, any such article can be purchased or obtained, or manufactures or makes any such article, shall be punished by imprisonment in the state prison for not more than five years, or in the jail or house of correction for not more than three years, or by fine of not less than one hundred nor more than one thousand dollars.</p>	<p>Certain other offences against decency. 1879, 159, § 1.</p>
<p>SECT. 18. Whoever commits the abominable and detestable crime against nature, either with mankind or with a beast, shall be punished by imprisonment in the state prison not exceeding twenty years.</p>	<p>Crime against nature. G. S. 165, § 18.</p>
<p>SECT. 19. Whoever wilfully blasphemes the holy name of God, by denying, cursing, or contumeliously reproaching God, his creation, government, or final judging of the world, or by cursing or contumeliously reproaching Jesus Christ, or the Holy Ghost, or by cursing or contumeliously reproaching the holy word of God contained in the holy scriptures, or exposing them to contempt and ridicule, shall be punished by imprisonment in the state prison not exceeding two years, or in the jail not exceeding one year, or by fine not exceeding three hundred dollars, and may also be bound to good behavior.</p>	<p>Blasphemy. G. S. 165, § 19. 29 Pick. 296.</p>

[R.L.1902, c. 212, § 25](#) – Revised Laws 1902 Chapter 212 Section 25

- *Page 577 of the PDF*
- “Section 25. Whoever commits the abominable and detestable crime against nature, either with mankind or with a beast, shall be punished by imprisonment in the state prison for not more than twenty years”

13 than two years or by a fine of not less than one hundred nor more
14 than one thousand dollars.

1 SECTION 22. Whoever, as owner, manager, director, agent or
2 in any other capacity, uses or causes or permits to be used, in con-
3 nection with any show or entertainment, public or private, a pho-
4 nograph or other contrivance, instrument or device, which utters or
5 gives forth any profane, obscene or impure language, shall be pun-
6 ished by imprisonment for not more than one year or by a fine of
7 not more than five hundred dollars, or by both such fine and im-
8 prisonment.

Immoral enter-
tainments.
1896, 339, § 1.

1 SECTION 23. Whoever, as owner, manager, director, agent or in
2 any other capacity, prepares, advertises, gives, presents or partici-
3 pates in any obscene, indecent, immoral or impure show or enter-
4 tainment, or in any show or entertainment manifestly tending to
5 corrupt the morals of youth, shall be punished as provided in the
6 preceding section.

Same subject.
1896, 339, § 2.

*Repeal
Substitute
1910 c. 367*

1 SECTION 24. Whoever exhibits for hire a minor or insane per-
2 son who is deformed or a person who has an appearance of deform-
3 ity produced by artificial means shall be punished by a fine of not
4 more than five hundred dollars.

Exhibition of
deformities.
1884, 99.

1 SECTION 25. Whoever commits the abominable and detestable
2 crime against nature, either with mankind or with a beast, shall be
3 punished by imprisonment in the state prison for not more than
4 twenty years.

Sodomy and
buggery.
R. L. 94, §§ 7, 8.
C. L. 14, §§ 7, 8.
1897, 19.
1784, 46, § 1.
1804, 133.

R. S. 139, § 14. G. S. 165, § 18. P. S. 297, § 18.

1 SECTION 26. Whoever sells, lends, gives away, exhibits or
2 offers to sell, lend or give away an instrument or other article in-
3 tended to be used for self-abuse, or any drug, medicine, instrument
4 or article whatever for the prevention of conception or for causing
5 unlawful abortion, or advertises the same, or writes, prints or causes
6 to be written or printed a card, circular, book, pamphlet, adver-
7 tisement or notice of any kind stating when, where, how, of whom
8 or by what means such article can be purchased or obtained,
9 or manufactures or makes any such article, shall be punished by
10 imprisonment in the state prison for not more than five years or in
11 jail or the house of correction for not more than three years or by
12 a fine of not less than one hundred nor more than one thousand
13 dollars.

Other offences
against
decency.
1870, 155, § 1.
P. S. 297, § 17.