

Commonwealth of Massachusetts. In the year of our Lord, one thousand seven hundred and ninety eight. An act to prevent profane cursing and swearing ... In the House of Representatives June 28, 1798. This bill having had three several readings, passed to be enacted. Edward H. Robbins, Speaker. In Senate June 28, 1798 ... Samuel Phillips, President. June 29, 1798- By the Governor approved. Increase Sumner. [Boston

Commonwealth of Massachusetts.

In the Year of our Lord, one thousand seven hundred and ninety eight.

An Act to prevent profane Cursing and Swearing.

WHEREAS the horrible practice of profane Cursing and Swearing is inconsistent with the dignity and rational cultivation of the human mind, with a due reverence of the Supreme Being and his Providence, and hath a natural tendency to weaken the solemnity and obligation of oaths lawfully taken in the administration of justice; to promote falsehood, perjuries, blasphemies and dissoluteness of manners, and to loosen the bonds of civil society:

Sect. 1. Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person, who has arrived at discretion, shall profanely curse or swear, and shall be thereof convicted, such person so offending, shall forfeit and pay a sum not exceeding two dollars, nor less than one dollar, according to the aggravation of the offence, and the quality and circumstances of the offender, in the judgment of the Court or Justice of the Peace before whom the conviction; and in case the same person shall after two convictions as aforesaid, again offend, such offender shall forfeit and pay upon each and every subsequent conviction, treble the sum forfeited on the first conviction; and if, on any trial and conviction, proof shall be made that more than one profane oath or curse were sworn or uttered, by the same person at the same time, and in the presence or hearing of the same witness or witnesses, the person so offending, for every profane oath or curse, after the first, shall forfeit and pay a sum not exceeding fifty cents, nor less than twenty-five cents, in addition to the sum forfeited as first above specified: One moiety of the several forfeitures, aforesaid, to be to the use of the poor of the town in which the offence shall have been committed, and the other moiety thereof to the use of the person or persons who shall make complaint thereof, or prosecute for the same. And in case any person convicted of profane Cursing or Swearing, shall not immediately pay the sum or sums so forfeited, such person shall be committed to the common goal or house of correction, there to remain, not less than one day, nor more than five days. Provided nevertheless, That when any person shall have been convicted

of profane Cursing or Swearing before any Justice of the Peace, and having appeared before such Justice, and pleaded the general issue, or demurred to the charges in the complaint against him, it shall be lawful for such Defendant to appeal from the sentence of such Justice to the Justices of the next Court of General Sessions of the Peace, to be holden in and for the county wherein the offence was committed, who shall hear and finally determine the same; the appellant claiming such appeal at the time of declaring such sentence by said Justice, and then and there recognizing with sufficient surety or sureties in a reasonable sum, not exceeding *twenty dollars*, to prosecute his said appeal with effect, and to perform the order of said Court therein.

Sect. 2. *And be it further enacted*, That if any person shall profanely Curse or Swear in the hearing of any Sheriff, Deputy Sheriff, Coroner, Constable, Grand Juror or Tythingman, it shall be the duty of such Officers, respectively, forthwith to give information thereof to some Justice of the Peace of the county wherein the offence may be committed, in order that the offender may be taken, convicted and punished for the same: Which conviction shall be drawn up in the form following, — ff. Be it remembered, That on the — day of —, in the year of our Lord —, A. B. was convicted before me, one of the Justices of the Peace for the County of —, of Swearing one (or more) profane oath (or oaths) or of uttering one (or more) profane curse [or curse,] as the case shall be. Given under my hand the day and year aforesaid. *Provided always, and it is hereby further enacted*, That no person shall be convicted or troubled for the offence of profane cursing or swearing, unless the prosecution, for such offence, shall be commenced within twenty days next after the offence shall be committed.

Sect. 3. *And be it further enacted*, That the Clerks of the several towns, districts and plantations in this Commonwealth shall cause this Act to be publicly read at the opening of their respective annual meetings in the month of March or April; and if the Clerk of any town, district or plantation shall neglect so to do, he shall forfeit and pay the sum of *ten dollars* for each neglect, to be recovered by an action of debt in any Court proper to try the same; one moiety thereof to the use of the person or persons suing therefor, and the other moiety thereof to the use of this Commonwealth.

Sect. 4. *And be it further enacted*, That the Secretary shall cause to be transmitted a printed copy of this Act to each of the public teachers of Religion within this Commonwealth, to whom it is hereby recommended to read, or cause the same to be publicly read to their several congregations annually, on the day of the Public Fast.

Sect. 5. *And be it further enacted*, That all Laws heretofore made for preventing profane Cursing and Swearing, be, and hereby are repealed.

In the House of Representatives, June 28, 1798.

This Bill having had three several readings, passed to be enacted.

EDWARD H. ROBBINS, *Speaker*.

In Senate, June 28, 1798.

This Bill having had two several readings, passed to be enacted.

SAMUEL PHILLIPS, *President*.

INCREASE SUMNER.

JOHN AVERY, *Secretary*.

June 29, 1798.—By the Governor approved.

True Copy— *Attest*,

Episcopalian Church Cambridge

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