

THE
PUB²LIC STATUTES

OF THE
Commonwealth of Massachusetts,

ENACTED NOVEMBER 19, 1881;
TO TAKE EFFECT FEBRUARY 1, 1882.

WITH THE
CONSTITUTIONS OF THE UNITED STATES AND THE COMMONWEALTH,
A SCHEDULE OF ACTS AND RESOLVES AND PARTS OF ACTS AND
RESOLVES EXPRESSLY REPEALED, TABLES SHOWING THE
DISPOSITION OF THE GENERAL STATUTES AND OF
STATUTES PASSED SINCE THE GENERAL
STATUTES, GLOSSARY, AND INDEX.



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1882.

of badge of officer. 1881, 9.

affixed to any paper or other article a representation of the seal of a city or town in this commonwealth, with intent to give to such paper or article an official character which it does not possess, or, without being duly authorized thereto, and with intent to assume an official character which he does not possess, casts, stamps, engraves, makes, or has in his possession a badge or thing in the likeness of an official badge of a police officer, member of a fire department, or other officer appointed by a city or town in this commonwealth, or by any department of such city or town, shall be punished by fine not exceeding fifty dollars.

Concealing and compounding offence. G. S. 163, § 20. 16 Mass. 91. 4 Allen, 534. 12 Allen, 557.

SECT. 27. Whoever, having knowledge of the commission of an offence punishable with death or by imprisonment in the state prison, takes money, or a gratuity or reward, or an engagement therefor, upon an agreement or understanding express or implied to compound or conceal such offence, or not to prosecute therefor, or not to give evidence thereof, shall, where such offence of which he has knowledge is punishable with death or imprisonment in the state prison for life, be punished by imprisonment in the state prison not exceeding five years, or in the jail not exceeding one year; and where the offence of which he so had knowledge is punishable in any other manner, by imprisonment in the jail not exceeding two years, or by fine not exceeding five hundred dollars.

Officer taking reward for omitting his duty. G. S. 163, § 21.

SECT. 28. If a sheriff, constable, or other officer authorized to serve legal process receives from a defendant or any other person any money or other valuable thing as a consideration, reward, or inducement for omitting or delaying to arrest a defendant, or to carry him before a magistrate, or for delaying to take a person to prison, or for postponing the sale of property under an execution, or for omitting or delaying to perform any duty pertaining to his office, he shall be punished by fine not exceeding three hundred dollars, or by imprisonment in the jail not exceeding three months.

Extortion by taking illegal fees. G. S. 163, § 22. 1 Mass. 227. 15 Mass. 525. 17 Mass. 410. 1 Pick. 279. 7 Pick. 171.

SECT. 29. A recording officer who wilfully and corruptly demands and receives a greater fee for an official duty or service than is allowed by law shall forfeit fifty dollars for each offence; and any other person who wilfully and corruptly demands and receives for the performance of an official duty or service, for which a fee or compensation is allowed and provided by law, a greater fee or compensation than is so allowed and provided, shall forfeit thirty dollars for each offence; which penalties may be recovered by complaint or indictment to the use of the county, or by action of tort to the use of any person who sues therefor; but such prosecution or action shall be commenced within one year after the offence is committed.

CHAPTER 206.

OF OFFENCES AGAINST THE PUBLIC PEACE.

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1. Unlawful assembly, how suppressed.
2. Refusing to assist when required, or to disperse when commanded.
3. Neglect of mayor or other officer to suppress, etc.
4. Officers may quell unlawful assembly by force, etc.
5. Armed force, if called out, to obey orders of governor, judge, etc.
6. Officers, etc., to be held guiltless, though

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- death is caused. Rioters, etc., responsible.
7. Riotously destroying dwelling-house, etc.
8. Towns, etc., to pay three-fourths of value of property destroyed or injured.
9. may recover from offenders.
10. Carrying slung-shot, etc.
11. Manufacturing, etc., slung-shot, etc.
12. Making bonfire within ten rods of a building.
13. False alarm of fire.

SECTION 1. If persons to the number of twelve or more, being armed with clubs or other dangerous weapons, or if persons to the number of thirty or more, whether armed or not, are unlawfully, riotously, or tumultuously assembled in a city or town, it shall be the duty of the mayor and of each of the aldermen of such city, of each of the selectmen of such town, of every justice of the peace living in any such city or town, and of the sheriff of the county and his deputies, to go among the persons so assembled, or as near to them as may be with safety, and in the name of the commonwealth to command all the persons so assembled immediately and peaceably to disperse; and if such persons do not thereupon immediately and peaceably disperse, it shall be the duty of each of said magistrates and officers to command the assistance of all persons there present in seizing, arresting, and securing such persons in custody, so that they may be proceeded with for their offence according to law.

Unlawful assembly, how suppressed.
G. S. 164, § 1.
10 Mass. 518.

SECT. 2. If a person present, being commanded by any of the magistrates or officers mentioned in the preceding section to aid or assist in seizing and securing such rioters or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, refuses or neglects to obey such command, or, when required by such magistrate or officer to depart from the place, refuses or neglects so to do, he shall be deemed one of the rioters or persons unlawfully assembled, and may be prosecuted and punished accordingly.

Refusing to assist when required, or to disperse when commanded.
G. S. 164, § 2.

SECT. 3. If a mayor, alderman, selectman, justice of the peace, sheriff, or deputy-sheriff, having notice of any such riotous or tumultuous and unlawful assembly in the city or town in which he lives, neglects or refuses immediately to proceed to the place of such assembly, or as near thereto as he can with safety, or omits or neglects to exercise the authority with which he is invested by this chapter for suppressing such assembly, and for arresting and securing the offenders, he shall be punished by fine not exceeding three hundred dollars.

Neglect of mayor or other officer to suppress, etc.
G. S. 164, § 3.

SECT. 4. If any persons who are so riotously or unlawfully assembled, and who have been commanded to disperse, as before provided, refuse or neglect to disperse without unnecessary delay, any two of the magistrates or officers before mentioned may require the aid of a sufficient number of persons, in arms or otherwise as may be necessary, and shall proceed, in such manner as in their judgment is expedient, forthwith to disperse and suppress such assembly, and seize and secure the persons composing the same, so that they may be proceeded with according to law.

Officers may quell unlawful assembly by force, etc.
G. S. 164, § 4.
99 Mass. 444.

SECT. 5. When an armed force, called out in the manner provided by chapter fourteen to suppress a tumult or riot, or to disperse a body of men acting together by force and with intent to commit a felony, or to offer violence to persons or property, or with intent by force or violence to resist or oppose the execution of the laws of this state, arrive at the place of such unlawful, riotous, or tumultuous assembly, they shall obey such orders for suppressing the riot or tumult, and for dispersing and arresting all persons who are committing any of said offences, as they have received from the governor, or a judge of a court of record, or the sheriff of the county, and also such orders as they there receive from any two of the magistrates or officers before mentioned.

Armed force, if called out, to obey orders of governor, judge, etc.
G. S. 164, § 5.

SECT. 6. If, by reason of the efforts made by any two or more of said magistrates or officers or by their direction to disperse such assembly, or to seize and secure the persons composing the same, who have refused to disperse, though the number remaining may be less than twelve, any such person or any other person then present is killed or wounded, the magistrates and officers, and all persons acting by their order or under their directions, and all persons acting under the two

Officers, etc., to be held guiltless, though death is caused. Rioters, etc., responsible.
G. S. 164, § 6.
7 Allen, 541.

preceding sections, shall be held guiltless, and fully justified in law; and if any of said magistrates or officers, or any person acting under or by the direction of any of the officers before mentioned, is killed or wounded, all persons so assembled, and all other persons who, when commanded or required, refused to aid and assist said magistrates or officers, shall be held answerable therefor.

Riotously destroying dwelling-house, etc.
G. S. 164, § 7.

SECT. 7. If any of the persons so unlawfully assembled demolishes, pulls down, or destroys, or begins to demolish, pull down, or destroy, a dwelling-house or other building, or a ship or vessel, he shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding one thousand dollars and imprisonment in the jail not exceeding two years, and shall also be answerable to any person injured, to the full amount of the damage, in an action of tort.

Towns, etc., to pay three-fourths of value of property destroyed or injured.
G. S. 164, § 8.

SECT. 8. When property of the value of fifty dollars or more is destroyed, or when property is injured to that amount, by persons to the number of twelve or more, riotously, routously, or tumultuously assembled, the city or town within which the property was situated shall, if the owner of such property uses all reasonable diligence to prevent its destruction or injury, and to procure the conviction of the offenders, be liable to indemnify the owner thereof to the amount of three-fourths of the value of the property destroyed, or of the amount of such injury thereto, to be recovered in an action of tort.

may recover from offenders.
G. S. 164, § 9.

SECT. 9. A city or town which pays any sum under the provisions of the preceding section may recover the same against any or all of the persons who destroyed or injured such property.

Carrying slung-shot, etc.
G. S. 164, § 10.
7 Allen, 583.
103 Mass. 443.

SECT. 10. Whoever, when arrested upon a warrant of a magistrate issued against him for an alleged offence against the laws of this state, and whoever, when arrested by a sheriff, deputy-sheriff, constable, police officer, or watchman, while committing a criminal offence against the laws of this state, or a breach or disturbance of the public peace, is armed with or has on his person any slung-shot, metallic knuckles, billy, or other dangerous weapon, shall be punished by fine not exceeding fifty dollars, or by imprisonment in the jail not exceeding one year.

Manufacturing, etc., slung-shot, etc.
G. S. 164, § 11.

SECT. 11. Whoever manufactures or causes to be manufactured, or sells or exposes for sale, an instrument or weapon of the kind usually known as slung-shot, or metallic knuckles, shall be punished by fine of not less than fifty dollars, or by imprisonment in the jail not exceeding six months.

Making bonfire within ten rods of a building.
G. S. 164, § 12.

SECT. 12. Whoever is concerned in causing or making a bonfire within ten rods of a house or building shall be punished by fine not exceeding twenty dollars, or imprisonment not exceeding one month.

False alarm of fire.
G. S. 164, § 13.

SECT. 13. Whoever without reasonable cause, by outcry or the ringing of bells, or otherwise, makes or circulates or causes to be made or circulated a false alarm of fire, shall be punished by fine not exceeding fifty dollars.

CHAPTER 207.

OF OFFENCES AGAINST CHASTITY, MORALITY, DECENCY, AND GOOD ORDER.

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2. of an unmarried woman, etc., for the purpose of prostitution. Limitation.
3. Adultery.

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4. Polygamy.
5. Excepted cases.
6. Lewd and lascivious cohabitation, and open and gross lewdness.
7. Incest.