

## **Massachusetts Historical excerpts**

MASSACHUSETTS GENERAL LAWS, CP. 272;

MASSACHUSETTS SCHOOL LAW OF 1642

MASSACHUSETTS GENERAL SCHOOL LAW OF 1647 (THE OLD DELUDER ACT)

EXCERPTS: CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS  
UNIVERSITY AT CAMBRIDGE

### **Massachusetts General Laws:**

#### **CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES**

##### **TITLE I.**

##### **CRIMES AND PUNISHMENTS**

##### **CHAPTER 272.**

#### **CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER**

##### **Section 36: Blasphemy**

Whoever wilfully blasphemes the holy name of God by denying, cursing or contumeliously [without respect; in a disdainful manner] 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 or exposing to contempt and ridicule, the holy word of God contained in the holy scriptures shall be punished by imprisonment in jail for not more than one year or by a fine of not more than three hundred dollars, and may also be bound to good behavior.

##### **Section 38: Disturbance of assembly for worship**

Whoever wilfully interrupts or disturbs an assembly of people met for worship of God shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

##### **Section 14: Adultery**

A married person who has sexual intercourse with a person not his spouse or an unmarried person who has sexual intercourse with a married person shall be guilty of adultery and shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two years or by a fine of not more than five hundred dollars.

##### **Section 15: Polygamy**

Whoever, having a former husband or wife living, marries another person or continues to cohabit with a second husband or wife in the commonwealth shall be guilty of polygamy, and be punished by imprisonment in the state prison for not more than five years or in jail for not more than two and one half years or by a fine of not more than five hundred dollars; but this section shall not apply to a person whose husband or wife has continually remained beyond sea, or has voluntarily withdrawn from the other and remained absent, for seven consecutive years, the party marrying again not knowing the other to be living within that time, nor to a person who has been legally divorced from the bonds of matrimony.

PART IV.

##### **Section 17: Incestuous marriage or sexual activities**

Persons within degrees of consanguinity [related by blood] within which marriages are prohibited or declared by law to be incestuous and void, who intermarry or have sexual intercourse with each other, or who engage in sexual activities with each other, including but not limited to, oral or anal intercourse, fellatio, cunnilingus, or other penetration of a part of a person's body, or insertion of an object into the genital or anal opening of another person's body, or the manual manipulation of the genitalia of another person's body, shall be punished by imprisonment in the state prison for not more than 20 years or in the house of correction for not more than 2 1/2 years.

##### **Section 18: Fornication**

Section 18. Whoever commits fornication shall be punished by imprisonment for not more than three months or by a fine of not more than thirty dollars.

##### **Section 34: Crime against nature**

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.

##### **Section 35: Unnatural and lascivious acts**

Whoever commits any unnatural and lascivious act with another person shall be punished by a fine of not less than one hundred nor more than one thousand dollars or

by imprisonment in the state prison for not more than five years or in jail or the house of correction for not more than two and one half years.

**Section 16: Open and gross lewdness and lascivious behavior** A man or woman, married or unmarried, who is guilty of open and gross lewdness and lascivious behavior, shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two years or by a fine of not more than three hundred dollars.

#### **Text of the Massachusetts School Law of 1642**

Forasmuch as the good education of children is of singular behoof and benefit to any Common-wealth; and whereas many parents & masters are too indulgent and negligent of their duty in that kind. It is therefore ordered that the Select men of every town, in the severall precincts and quarters where they dwell, shall have a vigilant eye over their brethren & neighbours, to see,

first that none of them shall suffer so much barbarism in any of their families as not to indeavour to teach by themselves or others, their children & apprentices so much learning as may enable them perfectly to read the English tongue, & knowledge of the Capital Lawes: upon penaltie of twentie shillings for each neglect therin.

Also that all masters of families do once a week (at the least) **catechize their children and servants in the grounds & principles of Religion**, & if any be unable to do so much: that then at the least they procure such children or apprentices to learn some short orthodox catechism without book, that they may be able to answer unto the questions that shall be propounded to them out of such catechism by their parents or masters or any of the Select men when they shall call them to a tryall of what they have learned of this kind.

And further that all parents and masters do breed & bring up their children & apprentices in some honest lawful calling, labour or employment, either in husbandry, or some other trade profitable for themselves, and the Common-wealth if they will not or cannot train them up in learning to fit them for higher employments.

And if any of the Select men after admonition by them given to such masters of families shall find them still negligent of their duty in the particulars aforementioned, wherby children and servants become rude, stubborn & unruly; the said Select men with the help of two Magistrates, or the next County court for that Shire, shall take such children or apprentices from them & place them with some masters for years (boyes till they come to twenty one, and girls eighteen years of age compleat) which will more strictly look unto, and force them to submit unto government according to the rules of this order, if by fair means and former instructions they will not

#### **Text of the Massachusetts School Law of 1642**

##### **The Old Deluder Act (1647)**

From Records of the Governor and Company of the Massachusetts Bay in New England (1853), II: 203

It being one chief project of that old deluder, satan, to keep men from the knowledge of the **Scriptures**, as in former times by keeping them in an unknown tongue [*alluding to Rome*], so in these latter times by persuading from the use of tongues, that so that at least the true sense and meaning of the original might be clouded and corrupted with false glosses of **saint-seeming deceivers**; and to the end that learning may not be buried in the grave of our forefathers, in church and commonwealth, **the Lord assisting our endeavors**.

It is therefore **ordered** that every township in this jurisdiction, after **the Lord hath increased** them to fifty households shall forthwith appoint one within their town to **teach all such children as shall resort to him to write and read**, whose wages shall be paid either by the parents or masters of such children, or by the inhabitants in general, by way of supply, as the major part of those that order the prudentials of the town shall appoint; provided those that send their children be not oppressed by paying much more than they can have them taught for in other towns.

And it is further ordered, that when any town shall increase to the number of one hundred families or householders, they shall set up a grammar school, the master thereof being able to instruct youth so far as they may be fitted for the university, provided that if any town neglect the performance hereof above one year that every such town shall pay 5 pounds to the next school till they shall perform this order.

## CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS: Excerpts

Article II. It is the **right** as well as the **duty of all men in society**, publicly, and at stated seasons to **worship the Supreme Being, the great Creator and Preserver of the universe**. And **no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God** in the manner and season most agreeable to the dictates of his own conscience; or for his **religious profession or sentiments**; provided he doth not disturb the public peace, or obstruct others in their religious worship. [See Amendments, Arts. XLVI and XLVIII.]

Article III. [As the **happiness of a people, and the good order and preservation of civil government**, essentially depend upon **piety, religion and morality**; and as these cannot be generally diffused through a community, but by the **institution of the public worship of God**, and of **public instructions in piety, religion and morality**: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for **the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality**, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all moneys paid by the subject to the **support of public worship**, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own **religious sect or denomination**, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Any every denomination of **Christians**, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.] [Art. XI of the Amendments substituted for this].

### Chapter V.

#### THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, ETC.

##### Section 1.

##### The University.

Article I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by **the blessing of God**, been initiated in those arts and sciences, which qualified them for public employments, both in church and state: and whereas the encouragement of arts and sciences, and all good literature, tends **to the honor of God, the advantage of the Christian religion**, and the great benefit of this and the other United States of America -- it is declared, that the President and Fellows of Harvard College, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have or are entitled to have, hold, use, exercise and enjoy: and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

#### The Law of God.

There is a God — your Creator, Who has given us both good things and **good laws**. But “all have sinned” (Rm. 3:23), breaking **His good laws** and misusing the good things which He has given us to our benefit. Sin separates us from the living God, and no sin will be, or should be, allowed into the Holy presence of God’s dwelling (Is. 59:1, 2; Rv. 21:27). If you die in your sins — if you have not turned to Christ cast all your faith upon Him to save you, and thus had all your sins washed away by His sinless blood — then you must and will go to a real place that is just the opposite of Heaven, a place of weeping, wailing and gnashing of teeth (Mt. 8:12; 13:42).

Only Jesus Christ was “God manifest in the flesh, who lived sinlessly and then died for our sins, paying for them with his own precious blood, and then rose from the dead. To be saved — “born again” — you must turn in your heart to the Lord Jesus Christ from sin and ask Him to save you. Only then can you truly know His forgiveness and receive His life-giving Holy Spirit. This decision is shown by baptized under water in identification with your Lord and following Him — despite persecutions. To God be the glory!

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