
IN THE SENATE OF THE UNITED STATES.

FEBRUARY 11, 1873.

Mr. WINDOM asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

FEBRUARY 13, 1873.

Reported without amendment.

FEBRUARY 14, 1873.

Recommitted to the Committee on Post-Offices and Post-Roads.

FEBRUARY 15, 1873.

Reported by Mr. RAMSEY with an amendment, viz: Strike out all after the enacting clause and insert the part printed in *italics*.

FEBRUARY 20, 1873.

Reported amendment amended and ordered to be printed.

A BILL

For the suppression of trade in, and circulation of, obscene literature and articles of immoral use.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 [That whoever, within the District of Columbia or either of
4 the Territories, or other place within the exclusive jurisdiction
5 of the United States, shall sell, or offer to sell, or shall give
6 away, or offer to give away, or shall have in his or her pos-
7 session with intent to sell or give away, any obscene or

8 indecent book, pamphlet, paper, advertisement, drawing,
9 lithograph, engraving, wood-cut, daguerreotype, photograph,
10 stereoscopic picture, model, cast, instrument, or other article
11 of indecent or immoral nature, or any article or medicine for
12 the prevention of conception, or for causing abortion, except
13 on a prescription of a physician in good standing, given in
14 good faith, or shall advertise the same for sale, or shall write
15 or print, or cause to be written or printed, any card, circular,
16 book, pamphlet, advertisement, or notice of any kind, stating
17 when, where, how, or of whom, or by what means, any of
18 the said obscene or indecent articles, or those heretofore men-
19 tioned, can be purchased or obtained, or shall manufacture,
20 draw, or expose to have sold or exposed, or shall print any
21 such article, shall, on conviction thereof, be imprisoned at
22 hard labor in the penitentiary for not less than six months
23 nor more than five years for each offense, or fined not less
24 than one hundred dollars nor more than two thousand dol-
25 lars, with costs of court.

1 SEC. 2. That section one hundred and forty-eight of the
2 act to revise, consolidate, and amend the statutes relating to
3 the Post-Office Department, approved June eighth, eighteen
4 hundred and seventy-two, be amended to read as follows:

5 “SEC. 148. That no obscene, lewd, or lascivious book,
6 pamphlet, picture, paper, print, or other publication, open or
7 covert, of a vulgar or indecent character, or any article or

8 thing designed or intended for the prevention of conception
9 or procuring of abortion, nor any article or thing intended or
10 adapted for any indecent or immoral use or nature, nor repre-
11 sentation tending to the corruption of youth, nor any written
12 or printed card, circular, book, pamphlet, advertisement, or
13 notice of any kind giving information, directly or indirectly,
14 where, or how, or of whom, or by what means either of the
15 things above mentioned may be obtained or made, nor any
16 letter upon the envelope of which, or postal-card upon which,
17 scurrilous epithets may have been written or printed, or dis-
18 loyal devices printed or engraved, shall be carried in the mail ;
19 and any person who shall knowingly deposit, or cause to be
20 deposited, for mailing or delivery, any of the hereinbefore-
21 mentioned articles or things, or any notice or paper containing
22 any open or covert advertisement relating to the aforesaid
23 articles or things, or any person who, in pursuance of any
24 plan or scheme for disposing of any of the hereinbefore-
25 mentioned articles or things, shall take, or cause to be taken,
26 from the mail any letter or package, shall be deemed guilty
27 of a high misdemeanor, and, on conviction thereof, shall, for
28 every offense, be fined not less than one hundred dollars nor
29 more than five thousand dollars, with the costs of court, or
30 imprisoned at hard labor not less than one year nor more than
31 ten years, or both, at the discretion of the judge."

1 SEC. 3. That all persons are prohibited from importing

2 into the United States, from any foreign country, any of the
3 hereinbefore-mentioned articles in this act, except the drugs
4 herein mentioned when imported in bulk, and not put up for
5 any of the purposes before mentioned, under a penalty of one
6 thousand dollars for each importation; and all such prohib-
7 ited articles in the course of importation shall be seized by the
8 collector of customs and condemned and destroyed.

1 SEC. 4. That whoever, being an officer, agent, or em-
2 ployee of the Government of the United States, shall know-
3 ingly aid or abet any person engaged in any violation of this
4 act, shall be deemed guilty of a high misdemeanor, and, on
5 conviction thereof, shall, for every offense, be punished as
6 provided in section two of this act.

1 SEC. 5. That any judge or commissioner in and for the
2 United States, before whom complaint of any violation of this
3 act shall be made, supported by oath or affirmation founded
4 on knowledge or belief, shall issue a warrant directed to the
5 marshal, or any deputy marshal, in their district, directing
6 him to search for, seize, and take possession of any such
7 obscene or indecent books, papers, articles, or things, and to
8 make due and immediate report thereof to the district attor-
9 ney of said district; and upon conviction of any person for
10 any offense hereinbefore provided, such articles or things shall
11 be destroyed, under an order of the court before which such
12 persons shall be convicted, and the proceedings relating to

13 the act of such destruction shall be entered on the records of
14 such court.]

3 *That whoever, within the District of Columbia or any of the*
4 *Territories of the United States, or other place within the*
5 *exclusive jurisdiction of the United States, shall sell, or lend,*
6 *or give away, or in any manner exhibit, or shall offer to sell,*
7 *or to lend, or to give away, or in any manner to exhibit, or*
8 *shall otherwise publish or offer to publish in any manner, or*
9 *shall have in his possession, for any such purpose or purposes,*
10 *any obscene book, pamphlet, paper, writing, advertisement,*
11 *circular, print, picture, drawing, or other representation,*
12 *figure, or image on or of paper or other material, or any*
13 *cast, instrument, or other article of an immoral nature, or*
14 *any drug or medicine, or any article whatever, for the*
15 *prevention of conception, or for causing unlawful abortion,*
16 *or shall advertise the same for sale, or shall write or print, or*
17 *cause to be written or printed, any card, circular, book, pam-*
18 *phlet, advertisement, or notice of any kind, stating when,*
19 *where, how, or of whom, or by what means, any of the articles*
20 *in this section hereinbefore mentioned, can be purchased or*
21 *obtained, or shall manufacture, draw, or print, or in any*
22 *wise make any of such articles, shall be deemed guilty of a*
23 *misdemeanor, and, on conviction thereof in any court of the*
24 *United States having criminal jurisdiction in the District of*
25 *Columbia, or in any Territory or place within the exclusive*

26 *jurisdiction of the United States, where such misdemeanor*
 27 *shall have been committed ; and on conviction thereof, he shall*
 28 *be imprisoned at hard labor in the penitentiary for not less*
 29 *than six months nor more than five years for each offense, or*
 30 *fined not less than one hundred dollars nor more than two*
 31 *thousand dollars, with costs of court.*

1 SEC. 2. *That section one hundred and forty-eight of the*
 2 *act to revise, consolidate, and amend the statutes relating to*
 3 *the Post-Office Department, approved June eighth, eighteen*
 4 *hundred and seventy-two, be amended to read as follows :*

5 “SEC. 148. *That no obscene, lewd, or lascivious book,*
 6 *pamphlet, picture, paper, print, or other publication of an in-*
 7 *decent character, or any article or thing designed or intended*
 8 *for the prevention of conception or procuring of abortion,*
 9 *nor any article or thing intended or adapted for any inde-*
 10 *cent or immoral use or nature, nor any written or printed*
 11 *card, circular, book, pamphlet, advertisement, or notice*
 12 *of any kind giving information, directly or indirectly,*
 13 *where, or how, or of whom, or by what means either of the*
 14 *things before mentioned may be obtained or made, nor any*
 15 *letter upon the envelope of which, or postal-card upon which*
 16 *indecent or scurrilous epithets may be written or printed, shall*
 17 *be carried in the mail ; and any person who shall knowingly*
 18 *deposit, or cause to be deposited, for mailing or delivery, any*
 19 *of the hereinbefore-mentioned articles or things, or any notice,*

20 or paper containing any advertisement relating to the aforesaid
21 articles or things, and any person who, in pursuance of any
22 plan or scheme for disposing of any of the hereinbefore-men-
23 tioned articles or things, shall take, or cause to be taken, from
24 the mail any such letter or package, shall be deemed guilty
25 of a misdemeanor, and, on conviction thereof, shall, for every
26 offense, be fined not less than one hundred dollars nor more
27 than five thousand dollars, or imprisoned at hard labor not
28 less than one year nor more than ten years, or both, in the
29 discretion of the judge."

1 SEC. 3. That all persons are prohibited from importing
2 into the United States, from any foreign country, any of the
3 hereinbefore-mentioned articles or things, except the drugs
4 hereinbefore mentioned when imported in bulk, and not put
5 up for any of the purposes before mentioned ; and all such
6 prohibited articles in the course of importation shall be de-
7 tained by the officer of customs, and proceedings taken against
8 the same under section five of this act.

1 SEC. 4. That whoever, being an officer, agent, or em-
2 ployee of the Government of the United States, shall know-
3 ingly aid or abet any person engaged in any violation of this
4 act, shall be deemed guilty of a misdemeanor, and, on con-
5 viction thereof, shall, for every offense, be punished as pro-
6 vided in section two of this act.

1 SEC. 5. That any judge of any district or circuit court

2 of the United States, within the proper district, before whom
3 complaint in writing of any violation of this act shall be
4 made, to the satisfaction of such judge, and founded on knowl-
5 edge or belief, and, if upon belief, setting forth the grounds
6 of such belief, and supported by oath or affirmation of the
7 complainant, may issue, conformably to the Constitution, a
8 warrant directed to the marshal, or any deputy marshal, in
9 the proper district, directing him to search for, seize, and take
10 possession of any such article or thing hereinbefore men-
11 tioned, and to make due and immediate return thereof, to the
12 end that the same may be condemned and destroyed by pro-
13 ceedings, which shall be conducted in the same manner as
14 other proceedings in case of municipal seizure, and with the
15 same right of appeal or writ of error.