

portionately for more or less, to be paid by buyer and seller; and to prevent any merchants putting up the price because of the prohibition that was to be, it was decreed that meantime the price was to be fixed by the governor. But the reaction came, and in 1637 all the laws against this plant were repealed, and tobacco was set at liberty. The freedom was of short duration, for in September, 1638, the General Court, finding that since the repealing of the former laws against tobacco the same was more abused than before, ordered "That no man shall take any tobacco in the fields, except on his journey, or at meale times, under pain of 12d. for every offence; nor shall take any tobacco in (or so near) any dwelling-house, barne, corne, or hayrick, as may likely endanger the firing thereof, under pain of 10s. for every offence; nor shall take any tobacco in any inn or common victualing house, except in a private room there, so as neither the master of the same house, nor any other guests there, shall take offence thereat: which if they do, then such person is forthwith to forbear, upon pain of 2s. 6d. for every offence." (Mass. Col. Records, Vol. I.) Even when a man might smoke, the law was particular as to how he should light his pipe, for in the order of 1638 are the words: "Noe man shall kindle fyre by gunpowder for taking tobacco, except on his journey, upon paine of 12d. for every offence." In Pennsylvania, at one time, to smoke tobacco on the streets, either by day or by night, was punishable by death. It is not so now! Green Bag, III., p. 9.

It is also on record that the colony of New Haven sought to prevent any one "taking tobacco in an uncovered place, as on the street of the town, or in men's yards," by inflicting on the guilty a fine of 6d. for each offence. A similar fine was the punishment for taking it on training days, either in the company or the meeting house at any time. This was in 1646. (His Holiness Pope Urban the Eighth had already issued a bull forbidding its use in churches.) In 1655 the same General Court decreed that no tobacco should be taken in the streets, yards, or about the houses in any plantation or farm in the colony, or without doors near or about the town, or in the meeting house, or body of the train soldiers, or any other place where they might do mischief thereby, under the penalty of sixpence a pipe or a time, which was to go to him that informed or prosecuted; which, if refused, was to be recovered by distress . . . but if he were a poor