

Burgh upon Market and fair days, shoes bootes and flippers
of all kinds without Distinctions not withstanding the
the Incorporation of Shoemakers there had beyond the
Year of prescription been in use to allow strangers
to Import for sale upon such Market or fair days
only single soles shoes or pumps, and to seize all
high heels shoes bootes or flippers so Imported, and
Commit the Importers to prison 12 January 1711
Burgesses of North contra Shoemakers there. Because
such a restraint was against the Nature of a fair
or Market. And the prescription could be objected
to private persons who for 40 Years had been Ex-
cluded by the town Shoemakers from coming to the
publick market, yet as to all others and mere
facultatis who cannot be hindered thereby. By the
law of England, the property of things is altered by fair
sale in fairs and open Markets between ten a clock
in the fore noon and sun setting, after booking Entry
and paying toll where law Requires it, and being an
hour in the Market, tho the seller was not the owner
or the Goods were stolen. But a stolen horse ^{not with}
standing such sale, be claimed and redeemed by the
owner from whom he was stolen within six Months
after, upon Repaying to the Buyer the price he paid for
the horse 283 Pl. & M. cap. 7. 31 Eliz. cap. 12. Code 2 Just
719. 5 Chap. 83. There was such privilege of fair in fee
land. Where those who buy any thing in publick Mar-
ket are not secure from being questioned, if the seller
had no right to what was sold, or if it was stolen
all the Buyer can do in such a case, is to take care
& Hamold i. e. cause the seller find caution or surety
to make the goods for returning to him and warrant
the sale 19 March 1639 Goughon contra Forrest the
de Verb. signif. verb. Borch. Jan full. lib. 2. tit. 1. § 72.

It being for the Good of a Nation whose territories
are able to furnish goods and Merchandizes over and
above what is Necessary for their own Consumption,
to carry on a Trade with strangers; whether by transpor-
ting goods and Commodities to Countries where they
can be Uttered to the Best Advantage, and thence Importing
goods or Money for them, or by foreigners coming and fetch-
ing away the Goods they want, and bringing their own
This Intercourse with foreigners can only be carried on
by Navigation and shipping.

Chap. 4.

Of Navigation and shipping.

Albeit the vast Ocean or Main sea is Common to all
Mankind for the uses of Water Navigation and fishing;
because boundless and sufficient to all Men, and no Man
can pretend Dominion to it Unlesse he was Lord of the
Universe: Yet now partly by Immemorial Custom and long
possession, partly by Leagues and treaties, several parts
of the sea seeme to be Common and have particular pro-
prietors. Thus the King of Great Britain Claims the
Dominion of the four seas which by Round of his Island,
the Dane claims the Dominion of the Baltick, the
Venetian of the Adriatick &c. By whom those seas
Respectively are protected and Governed, and Crimes
Committed there punished as within their Jurisdiction
because the sea and land do so mutually embrace one
another with Crooked Windings and turnings, that
they both promiscuously get bound to one another.
It is true, as to freedom of passage Commerce and traffick,
the sea is like a high way common to all, that is, not
to be Whipped by private persons to their own In-
teresse, but to be open to the use of every one: But this