the offenders guilt purged thereby: and seeing punishme
ought to be Commensurate to the transgression, it wer
absurd to Inflict no heavier pain on habitual offender
then upon such as have been only once guilty.

Formerly the Crime of forestalling Regrating &c. wa
Judged in the Chamberlain Air stat. Wilhelm. cap. 35.
afterward was only tried in the Court of Justiciary, Mc
observ. on d. act 21. But seeing those Crimes are tried in E
gland in the Quarter Sessions of the Justices of peace
5 & 6 Edw. 6 cap. 14. The Justices of peace in Scotland,
have now the like powers as Justices of peace in Eng
6 A. cap. 6 are Competent in subordination to the Cou
of Justiciary to try and punish forestallers Regrater
&c.

A Libel upon Common forestalling and Regrating
General, is Relevant act 148 Parl. 12 J. 6 Without sett
forth the Names of the persons from whom the goods
were bought, or the quantity of the goods, or the time an
place when and where bought 12 July 1596 John Ande
and others 6 August 1596 John Muir & others 19 M
1607 John Rule 24 feb. 1648 William Boo & others. Bu
tho the Particular Acts of forestalling & are no Nec
sary to be libelled, they must be Expressly proved, oth
ways the assize will Declare the Pannels clean a
Innocent 24 feb. 1648 William Boo & others Mckenz
Crim. part 1 Tit. 23 § 7. And where such a Crime
Inferred from the Speciality of time and place, th
Require to be libelled, as when one is Indicted for buy
goods in a Market, and presently selling the same
Again there, or some where within four Miles of it
Mckenzie ibid. Because the Crime in such a case is
drawn from the Speciality.

3.

Of Monopolies.

A Monopoly (from μονος alone & πωλεω to sell) is the Ingro
by one or more persons Combined together the wh
sale of any kind of goods, in order to raise the pri

of them, and that None may gain but they: or an Allowance
by the King to any person or persons of the sole buying
selling, making working or using of any thing or known
trade, whereby others are sought to be Restrained from
any freedom they End before. Practices or grants of this
kind Relating to any known trade are Generally Disallowed,
as being against the freedom of trade, and Discouraging
labour and Industry, and Restraining persons from Get
ting an honest livelyhood by Lawfull Employment,
and putting it in the power of particular persons, to
set what prices they please on a Commodity; all which
are Manifest Inconveniences to the publick. &

The Civil law punisheth Monopolists with Confis
cation of goods and perpetual banishment l. uni. C. de Mo
nopoliis. In England grants of Monopolies Relating to
any known trade, are Void by the Common law, and the
procuring and Making use of such Monopoly is punishable
by fine and Imprisonment, as being Malum in se Coke
3 Inst. 181. 182. 2 Inst. 47. 61. Hawkins pl. Cr. lib. 1 chap.
79 § 2 & 7. And farther Restrained by Statute 21 Jac. 1
cap. 3 § 3 Which farther Enacts that persons grieved or
whose goods are seized or attached by pretext of any Monopo
ly shall Recover three times so Much as the Damages they
sustained thereby and double Costs &c. ibid. § 4. Those
officers Appointed to buy in provisions for the Kings
household, called purveyors, had formerly the preemption
or first Buying of all such Victuals as were bought by any one to sell
Again Hawkins pl. Cr. lib. 1 chap. 47 § 1. But such pre
emption was afterward Disallowed 12 Car. 2 cap. 24 § 14.
Albeit playing with Cards is a Matter Merely of
pleasure and Recreation, and often much abused, yet
the Kings grant of the sole Making Importing and
selling of playing cards was adjudged to be void Coke
2 Inst. 47. Hawkins pl. Cr. lib. 1 chap. 79 § 5. Since
the