Granting, then, that the Portuguese have not acquired any right over the East Indian peoples, lands or jurisdictions, let us ascertain whether or not the former have been able to bring the sea and matters of navigation, or the conduct of trade, under their own authority.

We shall consider first the question of the sea. As the sea is commonly described in [Roman] law as *res nullius*, as common property, or as public property according to the law of nations\(^2\), the significance of these different terms will most fitly be explained if, in imitation of the method employed by all the poets since the days of Hesiod as well as by the philosophers and the old [Roman] jurists, we draw a chronological distinction between things which are perhaps not differentiated from one another by any considerable interval of time, but which do indeed
'Neque nobis ... valuisse' is an addition in the margin of the ms., probably dating from the preparation of the ms. for publication; cf. Feenstra (1996/2005), p. 183 n. 15.

2 'propri id' is a printer's error for 'proprium quid', see Err.

3 [Cicero, De officiis, I, 7, 21; Williams wrongly has I, 8, 21].

4 [Horatius, Sermones, II, 2, 129 f].