

mercial causes generally. The importance of the event could not at the time be fully appreciated, for English commerce was destined to expand beyond the most sanguine dreams of the seventeenth century.

The complete incorporation of the law merchant in the common law was not effected till the time of William Murray, first earl of Mansfield, who was chief justice of the King's Bench from 1756 to 1788. Up to his time mercantile business had been divided between the courts of law and equity. No attempt had been made to reduce it to a system. In courts of law "all the evidence in mercantile cases was thrown together; they were left generally to a jury, and they produced no established principle. From that time we all know the great study has been to find some certain general principles, which shall be known to all mankind, not only to rule the particular case then under consideration, but to serve as a guide for the future. . . . Lord Mansfield . . . may be truly said to be the founder of the commercial law of this country."³

The common law procedure was, however, less speedy and effective than that of the admiralty. To the litigant the triumph of the common law courts under Coke "meant much inconvenience. To the commercial law of the country is meant a slower development. But to the common law it meant a capacity for expansion, and a continued supremacy over the law of the future which consolidated the victories won in the political contests of the 17th century. If Lord Mansfield is to be credited with the honourable title of the founder of the commercial law of this country, it must be allowed that Coke gave to the founder of that law his opportunity."⁴

But for Lord Mansfield the merchants might have resorted to the Court of Chancery whose doctrine and practice had much in common with their own. The law merchant borrowed much

(3) Bullen, J., in *Dickbarrow v. Mason* (1787), 2 T.R. 63, at p. 73. See also Lord Campbell's account of Lord Mansfield and his special jurymen (*Lives of the Chief Justices*, vol. 2, p. 407).

(4) Holdsworth, *Hist. Eng. Law*, vol. 1, p. 326.