

it may truthfully be said that little had been "done towards building up *any* system of mercantile law in England," and that "no established principle" had been produced; *quære*, who had stolen that "true body" and where was it? To all this the professor said, "I do not see that it calls for a serious reply."

I also pointed out that at the end of the 150 years Lord Mansfield set to work to develop a body of rules for himself. Professor Burdick acknowledges this. He says that Lord Mansfield

"Reared a special body of jurymen at Guildhall, who were generally retained in all commercial cases to be tried there. He was on terms of familiar intercourse with them, not only conversing freely with them, but inviting them to dine with him. From them he learned the usages of trade, and in return he took great pains in explaining to them the principles of jurisprudence by which they were to be guided When a mercantile case came before him, he sought to discover not only the mercantile usage which was involved, but the legal principle underlying it The great study has been to find some general principle, not only to rule the particular case under consideration, but serve as a guide for the future. . . . It was from such sources, and from the current usages of merchants, that he undertook to develop a body of legal rules which should be free from the technicality of the common law, and whose principles shall be so broad, and sound, and just as to commend themselves to all courts in all countries."

And I ventured to ask: Why all this bother? That "true body of law" which had existed in England "for several centuries" prior to Coke's time must have been discoverable somewhere and somehow. Why did not Mansfield hunt it up? Why not issue a "general warrant," if need be, for its production? Thousands of people knew it by heart, and had been swearing to it, hoping for generations to get the judges enlightened upon the subject. Why not call another witness? History does not tell us that anybody had stolen all of them, too. Why did Mansfield undertake "to develop a body of legal rules"? Was it because theretofore "no established principle" had been "produced"? If so, how could there have been, prior to Mansfield, "a true body of law in England which was known as the Law Merchant"? And the only answer is, "I do not see that it calls for a serious reply."

Endeavoring to sink the Law Merchant notion, I linked it with the "Common Law"—"the most impudent pretender of all these phantom laws" (e)—but perhaps I did not sufficiently prove that

(e) The Law of Nature; the Law of Nations; the Law of God; the Law of Reason; the Law of the Universe, &c.