

officials. The courts which administered the commercial branch were chiefly the courts of fairs (piepoudre courts), the courts of the more important towns and the courts of the staple. These courts, by administering, helped to create the law merchant. Edward I. was particularly solicitous for the foreign merchants; he endeavoured to give them the speedy justice which they demanded and constituted the King in Council the final court of appeal in mercantile disputes. The staple system dates from his reign, but it was the Statute of the Staple (27 E. 3, st. 2) which consolidated the system and gave Parliamentary sanction to the informal judicial procedure already existing. Certain towns, known as staple towns, were set apart and only in these towns might the more important articles of commerce be dealt in. A mayor and two constables were to be chosen annually in each town to hold the court of the staple with the assistance of two merchants. Justice was to be done to the foreign merchant from day to day and from hour to hour, according to the law of the staple or the law merchant and not according to the common law or particular burghal usages.

The concentration of the foreign trade in the staple towns resulted in the local fair courts becoming less and less important, and the staple courts themselves lost their importance and fell into desuetude when the admiralty in Tudor times assumed jurisdiction in practically all commercial and shipping cases. During the sixteenth century the admiralty was the chief tribunal by which the law merchant was declared.

The admiralty jurisdiction was in turn assailed by the common law courts. The attack began in the reign of Elizabeth, but after Coke's elevation to the bench in 1606 it was carried on more vindictively and was brought to a victorious conclusion under the Commonwealth. The most effective weapon of the common law courts was the writ of prohibition. Not only did the common law courts rigorously prohibit the admiralty from exercising jurisdiction within the bodies of counties, but by means of the non-traversable fiction that a contract really made at sea was made in England, they usurped jurisdiction over com-