

He was a Scottish Jacobite, metamorphosed by the course of events, into a Sycophant of the house of Hanover. But in changing his bottom, he carried his principles with him from the sinking to the floating ship. These principles he had learnt in the Roman Law, which was the Law of Scotland - A Law of wisdom, but of servitude - The Law of a great commercial Empire - digested in the days of Justinian, and containing all the principles of Justice and equity suited to the Relations of men in Society with each other. But a Law under which the head of the Government was "Imperator Augustus, legibus solutus" - To this System Lord Mansfield added the Marine Ordinances of Louis the 14th and from these radical sources engrafted his body of commercial Jurisprudence upon the Stock of the Common Law of England. A Law almost entirely agricultural; more than sufficiently poisoned with the feudality of the Norman Conquest; but still illuminated with principles favourable to personal Liberty: at least with Jury trial and the Habeas Corpus. These were unknown to the Roman Law; and if Lord Mansfield did not expunge them from the Law of England it was not for want of his exertions so to do. His principles in our controversy with Great Britain flowed naturally from his fountain of Roman Law, which knew as little of the link between Taxation and Representation as of Habeas Corpus or Jury trial.

Of Lord Stowell I would speak with more hesitation and reserve; but the Rule of the War of 1756 and his revival of it I would hope is not forgotten, and wherever in this Union his panegyric is pronounced, the British Manifesto against us of 1812 should form one of the Springs of his laurels - A slight personal acquaintance with him in England has left upon my mind a favourable impression of his social qualities, and my admiration of his Talents is qualified only by the regret that they have not been employed in promoting the Peace of Nations or in vindicating the inextinguishable rights of human kind.

But I am trespassing upon your time, and will conclude with an assurance of respect and friendship unabated J. 2 Adams

Hon.^{ble} Joseph Story, Cambridge

Quincy 4 November 1829.

My dear Sir.

Oppressed as you must be with the various duties of your two professions, your candid and friendly answer to my letter of the 25th of September was certainly not delayed beyond a term of reasonable expectation, but rather came in anticipation of that which I had foreseen. Without so valid an apology, my reply has been yet longer postponed: but the topics upon which I have taken the liberty of submitting to your consideration a few remarks are of a nature to need no prescription in coming to the conclusions which may result from a mature and deliberate consideration, and to which a return after ^{not} lingering meditation perhaps more than once, may perhaps ~~not~~ be without its usefulness.

With the explanation which you have given of your present sentiments and of the Relations in which you stand to the newly instituted Professorship of Law, and its founder, I shall persist in the purpose of submitting to your friendly examination and censure, the manuscript which a due regard for the good opinion of my Country in future times has dictated - But as an immediate publication of it is not necessary, and as it may perhaps be rendered less unworthy of the reflections which you may bestow upon it, by passing the previous ordeal of a cool revision by myself I shall probably not trouble you with it until the ensuing Spring, after the close of the next Session of the Supreme Court of the United States - As an historical document I wish it to be divested of every feeling not called for by the honour and interest of my Country.

To return to your discourse; you enquire whether my objection to the word inoculated was to the word itself or to your use of it as inexact or incongruous? I had never before seen or heard the word used - and by referring to the primitive of its derivation it seemed inappropriate to the sense in which it was used - I thought it might be a misprint, for inoculated; but if not, was dubious of its meaning.

I was charmed with that passage of your discourse in which you so earnestly recommended to your future pupils the study of philosophy; but I could not reconcile with it the apparent exclusion of the works of Plato, by the slighting expression of Platonic Dreams - You observe that the expression was intended rather for some of his followers; but that you had taken ^{an idea} up, not from his own writings, but from the character given of them by others, that he himself was occasionally absurd and visionary.

My dear friend, do me the favour to read his Treatise upon Justice - commonly called his Republic and his work upon laws; which is more peculiarly his own. Read them under the disadvantage of any translation; and if after that, you shall think his works ought to be excluded from a recommendation of the study of Philosophy to young men upon the threshold of life, I will pursue the discussion with you no further. You will find abstractions and perhaps visions - And where do you not find them? - Are they not to be found in Bacon? in Newton? in Locke? - The mind of man is a Planet - wandering in its Nature - and Logic or the Art of close and systematic reasoning itself originated in the School of Socrates and Plato - In that School it was first learnt by Aristotle; by whom it was first given to the World.

The very word Philosophy originated in the same School - The Grecian Language is the mother tongue of Philosophy and the writings of Plato and Aristotle are her Grammar and Dictionary. The new Organ of Bacon, has enabled man to make one step further in the pursuit of natural Philosophy; but the Teachers of morals and politics, and law, must after drinking at Siloa's brook that flowed fast by the Oracles of God; and, fixing their eyes upon the Star of Bethlehem, must still resort to the fountains of Castalia and to the Academy of Plato.

A minute examination of the characters of Lord Mansfield and Lord Stowell would lead me too far. I consider them as men entitled to very different degrees of consideration - but they were both lawyer Judges. I remember hearing Mr John Lowell, in a forensic dispute when he took his Master's degree, say in reply to his antagonist, who upon some point of Constitutional English law, had quoted Blackstone's Commentaries, that he might as well have quoted the Court Calendar - This as respected Blackstone was strong language; but it is true of Mansfield's decisions, notwithstanding his braggart virtue in Wilkes's case - I am afraid it is too true of Lord Stowell's, notwithstanding his Theoretic Independence in the case of the Swedish Convey.

Of the character of Lord Mansfield as a Statesman, Lawyer and Moralist, I have a very indifferent opinion - As a Statesman his Genius covered before that of Chatham - As a Lawyer, before that of Camden, and as a Moralist his countenance of English Smugglers against foreign Laws has been justly censured by the Jurists of continental Europe. I speak of prominent incidents in his life, and even without reference to his bitter and rancorous hatred of our Country and opposition to her Cause.