

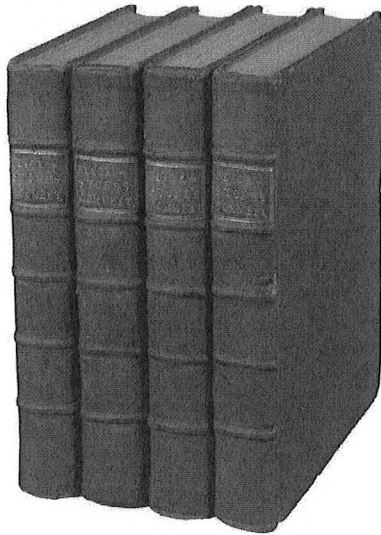
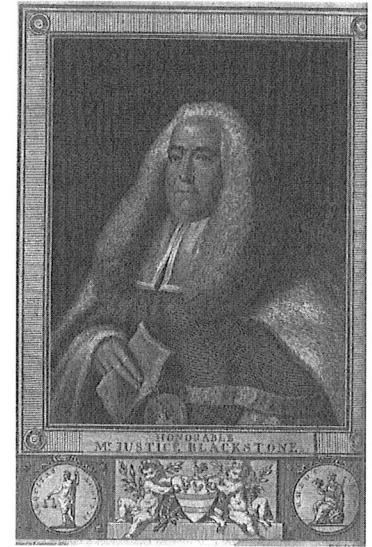
William Blackstone

Name: _____

All the Laws in All the Land

Date: 1753. Place: Oxford University, England. Event: First-ever series of lectures about English law. Speaker: William Blackstone.

Sound boring? Maybe, but those lectures became a four-volume set of books called *Commentaries on the Laws of England* that covered just about every English law there was. This was a big deal. Most of English law was based on **common law**—court decisions going back centuries that created rules for how to deal with thousands of situations. Over time, this created a messy legal system. Blackstone put it all together in one, huge reference. For the first time, there was a place people could look to find out what the law was. It wasn't long before "Blackstone" (the nickname people still use for the book) was the authority on English law.



Blackstone vs. Reality

The United States started out as thirteen English colonies. The people lived in America, but they were English citizens. That meant they were subject to English law—and they studied Blackstone. Thomas Jefferson knew the *Commentaries* very well, but he was also frustrated by them. He felt that Blackstone made English law and government sound amazing when, in fact, people's rights were being trampled. Blackstone described the *ideals* of English government and liberty. But America's founders knew too well that the *reality* of English government was much different.

When the American colonists decided to break away from England, Jefferson wrote a list of complaints in the Declaration of Independence. Many of those complaints described rights Blackstone clearly said Englishmen were *supposed* to have—but that the English government had denied to the colonists in America.

The Way It's Supposed to Be

Jefferson and the other Founders were not creating a government from scratch when they wrote America's Constitution. They knew what a good government *should* do... Many of the principles were described right there in Blackstone's *Commentaries*. They also knew how easily the English government had taken their rights away. In the Constitution, the Founders created a system with many of the same features and ideals as England's government. But they made changes they hoped would prevent America's government from abusing its power the way England had.

Blackstone's *Commentaries* described the legal system the first Americans all knew and understood. That's why America's courts ended up following the English common law system even though some wanted to abandon it. For the first century, Blackstone was the only legal resource many American lawyers and courts had. Our modern common law system has evolved since then, but even today's courts sometimes look to the *Commentaries* for help applying the law.



Look familiar? Thomas Jefferson's head is on every United States nickel.



Abraham Lincoln taught himself to be a lawyer by studying Blackstone.

William Blackstone

Name: _____

Consult Your Blackstone! Here are some excerpts from Blackstone's *Commentaries* exactly as they looked in the 18th century books. Match each idea seen or heard in early America with an excerpt from Blackstone that describes similar ideas. Write the letter of the excerpt in the box.

SEEN OR HEARD IN EARLY AMERICA

Opening line of the U.S. Constitution, saying part of the writers' purpose was to "secure the Blessings of Liberty to ourselves and our Posterity."

Found in Blackstone:

Declaration of Independence, saying the colonists' rights had been violated, they had "petitioned for redress" many times, and were now claiming independence and the power to declare war.

Found in Blackstone:

Statement at the Constitutional Convention that laws for raising taxes should begin in the House of Representatives because the House is closest to the people, and "the people ought to hold the purse-strings."

Found in Blackstone:

A complaint in the Declaration of Independence that England had imposed taxes on the colonists without the colonists' consent.

Found in Blackstone:

The concept of "checks and balances" found in the U.S. government, where each of the three branches can stop the others from abusing their power.

Found in Blackstone:

BLACKSTONE'S COMMENTARIES

In the 1700s, the lower-case "s" looked like an "f" except at the end of a word.

A

... there can no inconvenience be attempted by either of the three branches, but will be withstood by one of the other two; each branch being armed with a negative power, sufficient to repel any innovation which it shall think inexpedient or dangerous.

B

For no subject of England can be constrained to pay any aids or taxes, even for the defence of the realm or the support of the government, but such as are imposed by his own consent, or that of his representatives in parliament.

C

And, lastly, to vindicate these rights, when actually violated or attacked, the subjects of England are entitled, in the first place, to the regular administration and free course of justice in the courts of law; next to the right of petitioning the king and parliament for redress of grievances; and lastly to the right of having and using arms for self-preservation and defence.

D

The protection of THE LIBERTY OF BRITAIN is a duty which they owe to themselves, who enjoy it; to their ancestors, who transmitted it down; and to their posterity, who will claim at their hands this, the best birthright, and noblest inheritance of mankind.

E

FIRST, with regard to taxes: it is the antient indisputable privilege and right of the house of commons, that all grants of subsidies or parliamentary aids do begin in their house, ...

... supplies are raised upon the body of the people, and therefore it is proper that they alone should have the right of taxing themselves.