

# Our English Legal Forebearers and Their Contributions to the Practice of Law and American Jurisprudence: Sir Thomas More, Sir Edward Coke, and Sir William Blackstone

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DEDICATED TO MY DAD, BURNS DARSIE III  
1943-2020

*This Article seeks to remind lawyers of the important duty to uphold the law, and how that was shown through the actions of several English and British attorneys from the sixteenth through eighteenth centuries. Beginning with Sir Thomas More, considered as a secular person in this Article, and his refusal to go against what he believed to be the law, to Sir Edward Coke, whose legal judgments assisted early Americans, and ending with Sir William Blackstone, whose careful thinking paved the way for the American legal system. This semi-biographical Article relays the legal changes occurring during the time periods mentioned and how those changes were met by the aforementioned individuals.*

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## INTRODUCTION

The functioning of the American legal system was inherited from the English legal system. So, too, can it be argued that the modern American attorneys' mode of practicing law and understanding of ethical duties were shaped by the English legal minds which came centuries before. This Article will review the major contributions to legal history in the lives of Sir, now Saint, Thomas More (1478-1535), Sir Edward Coke (1552-1634), and Sir William Blackstone (1723-1780).

### I. SIR THOMAS MORE, EARLY SIXTEENTH CENTURY BARRISTER

*"You wouldn't abandon ship in a storm just because you  
couldn't control the winds."*<sup>1</sup>

Sir Thomas More

Sir Thomas More began his legal studies around 1496 at Lincoln's Inn.<sup>2</sup> Within five or six years, around 1501 or 1502, Sir Thomas More began his professional legal career after being called to the bar.<sup>3</sup> As the son of an eminent barrister, More had no other choice but to focus on a legal career as opposed to the career of a cleric or academic.<sup>4</sup> This upset his friend Desiderius Erasmus, who believed More pursued a legal career because More's father would have withdrawn "his allowance and disowned him, because he thought [More] was deserting his hereditary study."<sup>5</sup> Surely many a law student and young attorney can understand familial pressure as a reason to become an attorney.

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1. NANCY SPANNAUS & CHRISTOPHER WHITE, *THE POLITICAL ECONOMY OF THE AMERICAN REVOLUTION* 111 (2015).

2. Edward Berry, *Thomas More and the Legal Imagination*, 106 *STUD. PHILOLOGY* 316 (2009).

3. *Id.*

4. *Id.*

5. 3 FRANCIS MORGAN NICHOLS & DESIDERIUS ERASMUS, *THE EPISTLES OF ERASMUS* 393 (1962).

Around 1515 to 1516, More completed his famous political satire, *Utopia*, which was published in 1516<sup>6</sup> in Louvain, present-day Belgium.<sup>7</sup> By this time, More was practicing law for thirteen to fifteen years. More did lament the lack of time for his other intellectual pursuits, complaining to a friend at around the time of *Utopia*'s publication that he was "constantly engaged in legal business, either pleading or hearing, either giving an award as arbiter or deciding a case as judge," which led to his personal lament that "I leave to myself, that is to learning, nothing at all."<sup>8</sup> By this point, he was roughly thirty-seven or thirty-eight years old,<sup>9</sup> and appears to have become exasperated by not having much time for his passions.

More's increase in prominence and power occurred in 1529, when he was appointed as the first secular Lord Chancellor of England.<sup>10</sup> This was the highest judicial office in England, with the only higher judge being the King of England.<sup>11</sup> Part of More's role was to administer the Court of Chancery and to observe the concepts of legal equity, as the term was understood in Tudor times, in cases which involved extraordinary circumstances or where following the letter of the law would lead to injustice.<sup>12</sup> Because of this unique legal role, the Lord Chancellor was sometimes called "[K]eeper of the [K]ing's [C]onscience."<sup>13</sup> This duty became dangerous in 1529 due to the

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6. It is important to note that More's book *Utopia* was published on the eve of Martin Luther posting his *95 Theses* on the Castle Church door at Wittenberg. See Editors of Encyclopaedia Britannica, *Ninety-Five Theses: Work by Martin Luther*, ENCYCLOPAEDIA BRITANNICA, <https://www.britannica.com/event/Ninety-five-Theses> (last updated Oct. 24, 2019) [<https://perma.cc/AHW8-D3Q4>].

7. SIR THOMAS MORE, *UTOPIA* iii (Ronald Herd ed., 1997) (1551).

8. 4 SIR THOMAS MORE, *COMPLETE WORKS OF ST. THOMAS MORE* 39 (Edward Surtz & J.H. Hezter eds., 1965).

9. More was born February 7, 1478, in London. See Germain P. Marc'hadour, *Sir Thomas More*, ENCYCLOPAEDIA BRITANNICA, <https://www.britannica.com/biography/Thomas-More-English-humanist-and-statesman> (last updated Feb. 3, 2020) [<https://perma.cc/M2TQ-UXWU>].

10. *Id.*

11. See Sharon K. Dobbins, *Equity: The Court of Conscience or the King's Command, the Dialogues of St. German and Hobbes Compared*, 9 J.L. & RELIGION 113, at 113-49 (1991).

12. *See id.*

13. A late nineteenth-century definition describes the term as,

The early chancellors were priests, and out of their supposed moral control of the king's mind grew the idea of an equity court in contradistinction to the law courts. A bill in chancery is a petition through the lord chancellor to the king's conscience for remedy in manners for which the king's common law courts afford no redress.

BENJAMIN VINCENT, *HAYDN'S DICTIONARY OF DATES RELATING TO ALL AGES AND NATIONS: FOR UNIVERSAL REFERENCE* 415 (Edward Moxon & Co., 13 ed. 1871) (1866).

assertion of the 1392 *Statute Of Praemunire*,<sup>14</sup> which basically stated that English courts and the English monarch held jurisdiction over matters arising within England and should not be heard by any other court outside the realm.<sup>15</sup> The original purpose of the *Statute of Praemunire* was to limit the powers of the Pope and the Holy Roman Emperor in matters involving England.<sup>16</sup> Two acts were passed in 1530, *An Act concerning a Pardon granted to the King's Spiritual Subjects of the Province of Canterbury for the Premunire (Pardon to the Clergy)*<sup>17</sup> and *An Act concerning the Pardon granted to the King's Temporal Subjects for the Premunire (Pardon to the Laity)*.<sup>18</sup> Any assertion of papal legal authority after the passing of the *Pardon to the Clergy* and *Pardon to the Laity* violated the *Statute of Praemunire*.

Additionally, in 1530 More's conscientious adherence to canon law or spiritual law as he understood it began to disgruntle Henry VIII. In 1530, Henry VIII was desperately trying to have his marriage to Katharine of Aragon annulled so he could take a new, hopefully more fecund wife, Anne Boleyn.<sup>19</sup> More was uniquely acquainted with dispensations to marry due to his need of one in 1511, when his first wife died and he wished to marry his second wife less than a month after the first's death. In 1530, More refused to sign a letter to Pope Clement VII, written by spiritual and temporal authorities within England, to annul Henry's marriage to Katharine on the basis of her having first been the wife of Henry's deceased elder brother Arthur, and the marriage to Arthur having been consummated.<sup>20</sup> More's resistance to Henry VIII seizing control of cannon law from the Pope became quite apparent in 1531, when More tried to resign his post after Henry was declared head of the church in England<sup>21</sup> "as far as the law of Christ allows" in February 1531.<sup>22</sup> This was a very serious step toward Henry VIII breaking away from the Catholic Church and papal authority.

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14. "Praemunire" is defined by Dictionary.com as "a writ charging the offense of resorting to a foreign court or authority, as that of the pope, and thus calling in question the supremacy of the English crown." *Praemunire*, DICTIONARY.COM, <https://www.dictionary.com/browse/praemunire?s=t> [<https://perma.cc/F5A4-HV3G>].

15. Statute of Praemunire 1392, 16 Rich. 2 c. 5 (Eng.).

16. *Id.*

17. An Act concerning a Pardon granted to the King's Spiritual Subjects of the Province of Canterbury for the Premunire 1530, 22 Hen. 8 c. 15 (Eng.).

18. *Id.*

19. See GILES TREMLETT, CATHERINE OF ARAGON: HENRY'S SPANISH QUEEN (2010).

20. Marc'hadour, *supra* note 9.

21. This effectively broke away England's ecclesiastical law jurisdiction from the Catholic Church, the first major step toward creating the Church of England. It should be noted that this only applied to the church in England, and not in other countries like Scotland, etc. See HERVÉ PICTON, A SHORT HISTORY OF THE CHURCH OF ENGLAND: FROM THE REFORMATION TO THE PRESENT DAY (2015).

22. Marc'hadour, *supra* note 9. See Folio 94 Rochford MS, a Treatise Delivered to the Convocation of the Clergy on 10 February 1531, by George Boleyn, Lord Rochford.

Henry VIII secretly wed Anne Boleyn perhaps as early as November 1532, but certainly in January 1533; their marriage was declared valid and his marriage to Katharine annulled by the new Archbishop Thomas Cranmer in May 1533.<sup>23</sup> Perhaps knowing that Catharine would try to appeal the Archbishop's judgement to Pope Clement VII, the *Act in Restraint of Appeals*,<sup>24</sup> sometimes viewed as the foundational document for the English Reformation, was passed in April 1533.<sup>25</sup> More refused to attend Anne Boleyn's June coronation.<sup>26</sup>

To put these events in legal context, Henry was undoing centuries of the English legal system and precedent.<sup>27</sup> Thomas More, as the Lord Chancellor, was forced into the position of either adhering to the will of the king, or adhering to his previous traditional, ethical duties of the established laws; when combined with More's piety, it was arguably an absolute recipe for disaster. Things worsened for More in late 1534, when both the first *Act of Supremacy*<sup>28</sup> and the *Act Respecting the Oath to the Succession*, also called the *Succession of the Crown Act*,<sup>29</sup> were passed by Parliament in November 1534. A third act, the *Treasons Act*,<sup>30</sup> made it high treason to:

maliciously wish, will, or desire by words or writing or by craft imagine, invent practise or attempt any bodily harm to be done or committed to the King's most royal person the Queen's or their heirs apparent or to deprive them or any of them of their dignity, title or name of their royal estates or slanderously and maliciously publish and pronounce by express writing or words that the King our Sovereign Lord should be heretick, schismatick, tyrant, infidel, or usurper of the Crown.<sup>31</sup>

This rapid succession of legal changes and arguable usurpation by Henry VIII of papal jurisdiction, plus More's inability to violate his conscience and duties to the law as he understood them, led to More's execution.

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23. Editors of Encyclopaedia Britannica, *Anne Boleyn, Queen of England*, ENCYCLOPAEDIA BRITANNICA, <https://www.britannica.com/biography/Anne-Boleyn> (last updated Nov. 1, 2019) [<https://perma.cc/2X2Q-DBX2>].

24. Act of Restraint of Appeals 1532, 24 Hen. 8 c. 12 (Eng.).

25. Heather R. Darsie, *Thomas Cromwell's Influence on the Laws of England: A Basic Review of the English Legal System and Reforms in the Early 16th Century and the Rise of the Act of Attainder*, 39 N. ILL. L. REV. 273, 276 (2019).

26. Marc'hadour, *supra* note 9.

27. See Darsie, *supra* note 25.

28. Act of Supremacy 1534, 26 Hen. 8 c. 1 (Eng.).

29. Succession of the Crown Act 1534, 26 Hen. 8 c. 2 (Eng.).

30. J. W. WILLIS-BUND, SELECTION OF CASES FROM THE STATE TRIALS (1879).

31. *Id.*

The most serious offense Henry VIII perceived from More was More's failure to sign the Oath of Succession.<sup>32</sup> The Oath of Succession was borne of the *Act Respecting the Oath to the Succession*,<sup>33</sup> mentioned above. Everyone was required to swear an oath that Anne Boleyn was the true queen, and that her and Henry VIII's children were the lawful heirs to the English throne.<sup>34</sup> More repeatedly refused to swear the oath, which led to his arrest in early 1534 for treason.<sup>35</sup> By signing the Oath, More would effectively agree with the removal of papal jurisdiction over canon law matters and that Henry VIII, as Supreme Head of the Church in England, had as much authority as the pope.

Thomas More was put on trial on May 7, 1535, over a year after he was taken into custody.<sup>36</sup> A lengthy indictment was read out, so long that More could barely remember all the issues present; the overarching issue was his refusal to sign the Oath.<sup>37</sup> More's main argument at trial was:

That I have violated the Act<sup>38</sup> made in the last parliament: that is, being a prisoner, and twice examined, I would not, out of a malignant, perfidious, obstinate and traitorous mind, tell them my opinion, whether the king was Supreme Head of the Church or not; but confessed then, that I had nothing to do with that Act, as to the justice or injustice of it, because I had no benefice in the Church: yet then I protested, that I had never said nor done anything against it; neither can any one word or action of mine be alleged, or produced, to make me culpable . . . by all which I know, I would not transgress any law, or become guilty of any treasonable crime: for this Statute, nor no other law in the world can punish any man for his silence, seeing they can do no more than punish words or deeds . . .

[M]y silence is no sign of any malice in my heart, which the king himself must own by my conduct upon divers occasions; neither doth it convince any man of the breach of the

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32. 1 COMPLEAT COLLECTION OF STATE-TRYALS, AND PROCEEDINGS UPON IMPEACHMENTS FOR HIGH TREASON, AND OTHER CRIMES AND MISDEMEANOURS; FROM THE REIGN OF KING HENRY THE FOURTH, TO THE END OF THE REIGN OF QUEEN ANNE 43 (1719) [hereinafter 1 COMPLEAT COLLECTION].

33. Act Respecting the Oath to the Succession 1534, 26 Hen. 8 c. 2 (Eng.).

34. *Id.*

35. 1 COMPLEAT COLLECTION, *supra* note 32, at 44.

36. *Id.*

37. *Id.*

38. 1 THOMAS BAYLY HOWELL, WILLIAM COBBETT & THOMAS JONES HOWELL, COMPLETE COLLECTION OF STATE TRIALS AND PROCEEDINGS FOR HIGH TREASON AND OTHER CRIMES AND MISDEMEANORS 388 (1809).

law: for it is a maxim amongst the Civilians and Canonists, *Qui tacet consentir videtur*, he that holds his peace, seems to give his consent.<sup>39</sup>

Effectively, by remaining silent, More was at most tacitly agreeing to the Oath and at least not going against it. Unfortunately, the jury did not agree.

More was executed on July 6, 1535.<sup>40</sup> Whilst on his way to the scaffold, More was approached by two persons irritated with how he treated their causes during his tenure as Lord Chancellor.<sup>41</sup> Perhaps modern attorneys can see the reflection of their own clients in these persons. The first,

demanded some Papers she said she had left in his Hands, when he was Lord Chancellor, to whom he said, “[G]ood woman, have Patience but for an Hour and the King will rid me of the Care I have for those Papers, and everything else.” Another Woman followed him, crying, He had done her much Wrong when he was Lord Chancellor, to whom he said, “I very well remember the Cause, and is [sic] I were to decide it now, I should make the same Decree.”<sup>42</sup>

After his execution, More’s head was displayed on London Bridge for a time until his daughter, Margaret Roper, managed a bribe in exchange for More’s head.<sup>43</sup> Thereafter, she placed it in a lead box and was buried with it upon her death some years later.<sup>44</sup>

## II. SIR EDWARD COKE: A LATE SIXTEENTH TO EARLY SEVENTEENTH CENTURY STATESMAN

*“When the case happens I shall do that which shall be fit for a judge to do.”*

Sir Edward Coke, 1616.<sup>45</sup>

39. *Id.* at 388-89.

40. *Id.* at 395.

41. “The Trial of Sir Thomas More Knight, Lord Chancellor of England, for High-Treason in denying; the King’s Supremacy, May 7, [1535. the 26th of Henry VIII.” T.B. HOWELL, A COMPLETE COLLECTION OF STATE TRIALS AND PROCEEDING UPON IMPEACHMENTS FOR HIGH TREASON AND OTHER CRIMES AND MISDEMEANORS 386 (1719).

42. *Id.* at 396.

43. THOMAS EDWARD BRIDGETT, LIFE AND WRITINGS OF SIR THOMAS MORE: LORD CHANCELLOR OF ENGLAND AND MARTYR UNDER HENRY VIII 435-37 (1891).

44. *Id.*

45. I JOHN CAMPBELL, THE LIVES OF THE CHIEF JUSTICES OF ENGLAND: FROM THE NORMAN CONQUEST TILL THE DEATH OF LORD MANSFELD 286 (1849).

On February 1, 1552, Sir Edward Coke was born in Mileham, Norfolk, England.<sup>46</sup> He was the only boy out of eight children.<sup>47</sup> Elizabeth I<sup>48</sup> became queen in November 1558.<sup>49</sup> Coke spent three years at Trinity College Cambridge beginning in 1567, before leaving and going to London.<sup>50</sup> In 1571, Coke joined an Inn of Chancery<sup>51</sup> called Clifford's Inn, where he learned the practice of law. He went on to the Inner Temple in 1572. Within seven years, Coke was called to the Bar. Coke performed exceedingly well as a barrister from 1578 to 1589, and became a Member of Parliament in early 1589 with the support of the Dukes of Norfolk.<sup>52</sup> Coke received his next major appointment in 1592, when he became Solicitor General.<sup>53</sup> He next served as Attorney General from 1594 to 1606, securing his reappointment with James I and VI after the death of Elizabeth I in 1603.<sup>54</sup> As Attorney General, Coke prosecuted Robert Devereaux (1601), Sir Walter Raleigh (1603), and several of the Gunpowder Plot (1605) conspirators, all for treason.<sup>55</sup>

Coke was next appointed Serjeant-at-Law in June 1606, and became Chief Justice of the Court of Common Pleas by the end of that same month.<sup>56</sup> As Chief Justice, Coke heard the 1610 case of *Thomas Bonham v. College of Physicians*; Coke ruled that Parliament was controlled by the common law.<sup>57</sup> It should be posited that this ruling showed Coke as adhering strictly to his interpretation of the law than to Parliament and the King. *Bonham* was cited during the uprising in the American colonies against the Stamp Act.<sup>58</sup> This

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46. Gareth H. Jones, *Sir Edward Coke*, <https://www.britannica.com/biography/Edward-Coke> (last updated Jan. 28, 2020) [<https://perma.cc/P6GN-ZRRL>].

47. *Id.*

48. Elizabeth I was the daughter of Henry VIII and Anne Boleyn, with whose marriage Sir Thomas More did not agree and subsequently executed, as outlined *supra*.

49. HEATHER R. DARSIE, ANNA, DUCHESS OF CLEVES: THE KING'S 'BELOVED SISTER' 268-70 (2019).

50. George Paul Macdonell, *Edward Coke*, in 11 DICTIONARY OF NATIONAL BIOGRAPHY, 1885-1900 (1887).

51. *Id.*

52. *Id.*

53. William Holdsworth, *Sir Edward Coke*, 5 CAMBRIDGE L.J. 332, 333 (1935).

54. *Id.* at 333, 336.

55. *Id.*

56. *Id.* at 333.

57. See *Thomas Bonham v. College of Physicians*, 77 Eng. Rep. 638 (1610). It should be noted that the exact meaning and impact of Coke's ruling in *Bonham* has been the subject of much legal debate over the centuries. See also Raoul Berger, *Doctor Bonham's Case: Statutory Construction or Constitutional Theory?* 117 U. PA. L. REV. 521 (1969).

58.

An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, to-wards further defraying the expenses of defending, protecting, and securing the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of

case later influenced the U.S. Supreme Court decision in *Marbury v Madison*, and the principle of judicial review in American jurisprudence.<sup>59</sup>

After his performance as Chief Justice of Common Pleas, Coke was moved to the Court of King's Bench in late Autumn 1613.<sup>60</sup> King James I became displeased with several rulings of Coke's and dismissed him from the Court of King's Bench in 1616.<sup>61</sup> Thereafter, Coke returned to politics.<sup>62</sup> It was during his political involvement of the 1620s that Coke wrote one of his most monumental legal works, *Petition of Right*.<sup>63</sup>

The *Petition of Right*<sup>64</sup> placed restrictions upon the use of martial law, billeting of soldiers, non-Parliamentary taxation, and imprisonment without cause.<sup>65</sup> It is from these principles that the Founding Fathers established the Third Amendment, which states, "No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law";<sup>66</sup> and drew inspiration for the Fifth,<sup>67</sup> Sixth,<sup>68</sup> and Seventh<sup>69</sup> Amendments.<sup>70</sup> Arguably to the influence of Coke's writings on the American Founding Fathers girded, "The Supreme Court of the United States [as] a body which safeguards, more effectually than any other tribunal in the world, Coke's ideal of the supremacy of the law."<sup>71</sup>

Sir Edward Coke passed away on September 3, 1634.<sup>72</sup> He was later described by Sir William Blackstone as a "man of infinite learning in his profession . . . , [whose] writings are so highly esteemed, that they are generally cited without the author's name."<sup>73</sup>

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determining and recovering the penalties and forfeitures therein mentioned.

The Stamp Act 1765, 5 Geo. III c. 12 (Eng.).

59. See *Marbury v. Madison*, 5 U.S. 137 (1803).

60. Holdsworth, *supra* note 53, at 335.

61. *Id.* at 333.

62. *Id.* at 335-36.

63. *Id.* The *Petition of Right* is but one of Coke's voluminous body of legal writing. Due to his being in the legal field just before the Enlightenment Period, "Coke was not writing legal history: he was stating modern law." *Id.* at 341.

64. The Petition Exhibited to His Majestie by the Lordes Spirituall and Temporall and Commons in this present Parliament assembled concerning divers Rightes and Liberties of the Subjectes: with the Kinges Majesties Royall Aunswere thereunto in full Parliament 1628, 3 Car. 1 c. 1 (Eng.).

65. See *Petition of Right 1628*, 3 Car. 1 c. 1 (Eng.).

66. U. S. CONST. amend. III.

67. U.S. CONST. amend. V.

68. U.S. CONST. amend. VI.

69. U.S. CONST. amend. VII.

70. Holdsworth, *supra* note 53, at 345.

71. *Id.*

72. Jones, *supra* note 46.

73. 1 WILLIAM BLACKSTONE, COMMENTARIES \*72.

## III. SIR WILLIAM BLACKSTONE, EIGHTEENTH CENTURY JURIST

*“It is better that ten guilty persons escape than one innocent suffer.”*

Sir William Blackstone

William Blackstone was born July 10, 1723, in London.<sup>74</sup> Blackstone was the youngest of four sons, born a few months after the death of his father.<sup>75</sup> Blackstone’s mother passed away in late 1735 or early 1736.<sup>76</sup> His maternal uncle, the London surgeon Thomas Bigg, ensured that Blackstone had a quality education.<sup>77</sup> In 1741, Blackstone began his legal education at Middle Temple, one of the major London Inns of Court.<sup>78</sup> By 1746, Blackstone was a qualified barrister.<sup>79</sup> He obtained his Doctor of Civil Law in 1750 and, after not having much success as a barrister, retired from practicing law in 1753 to concentrate on academic work.<sup>80</sup> Also in 1753, Blackstone gave the first-ever lectures on English common law at University of Oxford.<sup>81</sup> On October 20, 1758, Blackstone was appointed Vinerian Professor of English Law at Oxford, the first to hold this position, after a request made in the will of Charles Viner.<sup>82</sup> In 1770, Blackstone became Justice of the Court of Common Pleas.<sup>83</sup>

Blackstone, like Coke, produced a large body of written work, including significant contributions to the legal field. Blackstone’s first publication was, however, not on law; *Elements of Architecture* was published in 1743.<sup>84</sup> His most famous work, *Commentaries on the Laws of England*, a work of four volumes, was originally published between 1765 and 1770.<sup>85</sup> The four volumes each concern an aspect of common law, the first volume being, *Rights of Persons*; the second being, *Rights of Things*; the third, *Of Private Wrongs*; and lastly, *Of Public Wrongs*.<sup>86</sup> The *Commentaries* were published in the American colonies in Philadelphia between 1771 and 1772.<sup>87</sup>

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74. Editors of Encyclopaedia Britannica, *Sir William Blackstone*, ENCYCLOPAEDIA BRITANNICA, <https://www.britannica.com/biography/William-Blackstone> (last updated Feb. 10, 2020) [<https://perma.cc/6AED-WM2Z>].

75. WILFRED PREST, *WILLIAM BLACKSTONE: LAW AND LETTERS IN THE EIGHTEENTH CENTURY 12-14* (1st ed. 2008).

76. Editors of Encyclopaedia Britannica, *supra* note 74.

77. *Id.*

78. *Id.*

79. *Id.*

80. *Id.*

81. Editors of Encyclopaedia Britannica, *supra* note 74.

82. *Id.*

83. *Id.*

84. WILLIAM BLACKSTONE, *ELEMENTS OF ARCHITECTURE* (1743).

85. 1 BLACKSTONE, *supra* note 73.

86. *Id.*

87. *Id.*

Blackstone's *Commentaries* heavily influenced the Founding Fathers of the United States by providing a template for the common law tradition.<sup>88</sup> He also shaped legal education by advocating for the teaching of legal theory in an educational setting and not just learning the practice via apprenticeship as is apparent in this quotation: "If practice be the whole he is taught, practice must also be the whole he will ever know."<sup>89</sup> Thomas Jefferson, in agreement with Blackstone's position, founded the Marshall & Wythe School of Law at the College of William & Mary in 1779.<sup>90</sup>

#### CONCLUSION

Thomas More, Edward Coke, and William Blackstone all achieved important things in the legal field during their lifetimes. Aside from the religious component, which is most often considered for Thomas More, he upheld his belief in what was right under the law as he understood it to be in the face of tyranny. Sadly, it cost More his life, but modern attorneys can remember his example and the duty which attorneys all hold after being sworn in. Edward Coke, through his careful consideration of the legal system, made important legal decisions which went against the wishes of the monarch. Coke's interpretation of the law allowed for the American colonists to make an argument against unfair treatment by the English crown. William Blackstone wrote a massive treatise which became the foundation of the American legal system and influenced the structure of the American legal education system. All three of them sought to better understand the state of the law during their respective time periods and all three of them succeeded in setting an example for future generations of American attorneys.

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88. John V. Orth, *Sir William Blackstone: Hero of the Common Law*, 66 A.B.A. J. 155 (1980).

89. *Id.*

90. *About W&M Law School*, WILLIAM & MARY L. SCH., <https://law.wm.edu/about/index.php> [<http://perma.cc/Y38A-J3NJ>].