

Certain Articles or Considerations Touching the Union of the Kingdoms of England and Scotland (c.1604?)

Transcript

British Library, Additional MS 4149, ff. 114r–131r

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Certeyn articles or considerations touching the vnion of the Kingdomes of
England & Scotland collected and digested for his ma[jes]ties better Seruice.

Yo[u]r ma[jes]tie being (I doe not doubt) directed and conducted by a better Oracle, then
that w[hi]ch was given for light to Aneas in his peregrination, Antiquam exquivite matvem,
hath a royall and indeed an heroicall desire to reduce these Twoe Kingdomes of England and
Scotland, into the birth of their Ancient mother kingdome of Great Brittain. Wherein as I
would gladly applaud vnto yo[u]r ma[jes]tie or sing alowd that Hymne or Antheme; sic itur
ad astra; Soe in a more softe and submisse voyce, I must necessarily remember vnto yo[u]r
ma[jes]tie, that warning or Caueat, Ardua quæ pulchra; It is an acc[i]on that requireth, yea
and needeth much not only of yo[u]r ma[jes]ties wisdom, but of yo[u]r Felicity; In this
argument I presumed at yo[u]r ma[jes]ties first entrance to write a fewe lynes

indeed

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indeed Scholastically, and speculatively, and not actively or politiquely as I held it fitt for me
at that tyme when neither yo[u]r ma[jes]tie was in that yo[u]r desire declared, nor my selfe
in that service used or trusted; But nowe that both yo[u]r ma[jes]tie hath opened your desire
and purpose with much admiration, even of those who giue it not soe full approbation, and
that my selfe was by yo[u]r Com[m]ons graced with their first vote of all the Comissioners
selected, for that cause, not in any estimac[i]on of my ability (for therein soe wise an
assembly, could not be so much deceyved) but in an acknowledgment of my extreame labors
and integritye in that busynes. I thought my selfe eu[er]y waies bound both in duety to yo[u]r
ma[jes]tie, and in trust to that house of Parliament, and in Consent to the matter it selfe, and
in conformity to myne owne Travells and begynning[es], not to neglect any paynes, that may
tend to the furtherance of soe excellent a worke, wherein I will endeavor that w[hi]ch I shall
sett downe be Nihil minus quam verba: For length and ornament

of

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of speech are to be vsed for p[er]swasion of multitudes, and not for information of King[es],
specially such a Kinge, as is the only instance that eu[er] I knewe to make a man of Platoes
opinion, that all knowledge is but remembrance, and that the mynd of men knoweth all
thing[es] and but demaundeth only to haue her owne motions executed and awaked. W[hi]ch
yo[u]r ma[jes]t[ies] rare and indeed singular gifte, and faculty of swifte apprehension, and
infinite expansion or multiplication of another mans knowledge by Yo[u]r owne, as I haue
often observed, soe I did extremely admire it in Goodwines cause, being a matter full of
secrett[es] & misteries of o[u]r Lawes, meerey newe vnto you and quite ouf of the path of
Yo[u]r educac[i]on, reading and conference, wherein neuerthelesse vpon a sparke of light

given Yo[u]r ma[jes]tie tooke in soe dexterously and profoundly, as if you had byne indeed Anima Legis, not only in Execuc[i]on, but in understanding; The remembrance whereof, as it will neuer be out of my mynd, soe alwaies will it be a warning to me to seeke rather

to

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to execute Yo[u]r Iudgment breifly, then to informe it tediously; and if in a matter of that nature, then how much more in this, wherein yo[u]r princely cogitac[i]ons haue wrought themselues and byne conversant, and wherein the principall light proceeded from yo[u]r selfe. /

And therefore my purpose is onely to breake this matter of the vnion into certeyn short articles and questions, and to make a certeyn kind of Anatomy or Anoolysis of the partes and members thereof, not that I am of opynion, that all the questions, wh[ic]h I nowe shall open were fitt to be in the Consultac[i]on of the Comissioners propounded: for, I hold nothing soe great an enemy to good resolution as the making of many questions, specially in assemblies, w[hi]ch consist of many: For Princes for avoyding of distracc[i]on. must take many thinges by waie of admittance, and if questions must be made of them, rather to suffer them to arise from others, then to grace them and authorize them as propounded from themselues. But unto yo[u]r ma[jes]t[ies]

private

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private considerac[i]on, to whome it maye better sorte with me rather to speake as a Remembrancer, then as a Counsellor, I th̄ haue thought good to laye before you all the branches, lyneament[es] and degrees of this vnion that vpon the view and considerac[i]on of them and their circumstances, Yo[u]r ma[jes]tie maye the more cleirly discerne, and more readily call to mynde, w[hi]ch of them is to be imbraced, and w[hi]ch to be reiected; and of those w[hi]ch are to be accepted of wh[ic]h of them presently is to be proceeded in, and w[hi]ch to be putt ou[er] to farther tyme, and againe w[hi]ch of them shall require authority of Parliament, and w[hi]ch are fitter to be effected by yo[u]r ma[jes]t[ies] royall power and prerogative, or by other Pollicyes and meanes: and lastly w[hi]ch of them is like to passe with difficulty and contradiction, and w[hi]ch with more facility and smoothnes. /

[*Right margin:* Statutes concerning Scotland & the Scottish nation. /] First therefore to begynne with that question, that I suppose will be out of question; Whether it be not meete that the Statutes w[hi]ch were made touching Scotland or the Scottish

nation,

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nation, while the kingdomes stood severed be repealed?

It is true there is a diversity in these; For some of these Lawes consider Scotland as an Enemy Country; Other Lawes consider it as a forrayne Country only; As for example, the law of R. 2. An[n]o 7o. w[hi]ch prohibits all Armour or victuall to be carried to Scotland: And the lawe of 7o. of K. Hen: 7. that enacteth all the Scottishmen to dep[ar]t the realme within a tyme prefixed, both these lawes and some others, respect Scotland as a Country of Hostility: But the lawe of 22o. E. 4. that endueth Barwick with the libertie of a Staple, where all Scottish

marchandizes should resort that should be vttered for England, & likewise all Engl[ish] marchandizes that should be vttered for Scotland, This Lawe beholdes Scotland only as a forrayne Nation, and not so much neither, for there haue byn Staples in Townes of England for some comodities with an Exclusion and restriction of other part[es] of England. /

But this is a matter of the leaste difficulty. Yo[u] ma[jes]tie shall haue a

Calender

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Calender made of the Lawes, and a breefe of the effect, and soe you may iudge of them, and the like or reciproque is to be done by Scotland, for such Lawes as they haue concerning England and the English nation. /

[*Right margin:*Lawes, customes comissions officers of [th]e Borders or marches] The second question is what Lawes, customes, comissions, officers, garrisons, and the like, are to be putt downe and discontinued or taken away upon the Borders of both Realmes. /

To this pointe, because I am not acquainted with the orders of the marches, I can saie the lesse. /

Therein falleth that question, whether that the Ten^ant[es] who hold their Ten^antright[es] in a greater freedome and exempc[i]on in considerac[i]on of their service vpon the Borders, and that the Countryses themselues w[hi]ch are in the same respect discharged of Subsidies and Taxes, should not now be brought to be in one degree, with other Ten^ant[es], and Countries, nam cessante causa collitur effectus, wherein in my opynion, some tyme would be given quia adhuc eorum messis in herba est. But some present ordinance would be

made

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made take effect in a future tyme, considering it is one of the greatest point[es] and markes of the deuison of the kingdoms. And because reason doth dicte, that where the principall solution of the Contynuity was, there the healing and Consolidating plaister should be cheefly applied, there would be some further devise for the vtter and perpetuall confounding of those imaginary bound[es], as yo[u]r ma[jes]tie termes them. And therefore it would be considered, whether it were not convenient to plant and erect at Carlill or Barwick some Counsell or Cort of iustice, the iurisdiction whereof might extend p[ar]t into England, p[ar]t into Scotland, with a Comission not to proceed precisely or meerey according to the Lawes and Customes either of England or Scotland, but mixtly according to instrucc[i]ons by Yo[u]r ma[jes]tie to be sett downe after the imitation and president of the Counsell of the Marches here in England erected vpon the vnion of Wales. /

[*Right margin:*further vnion besides [th]e removing of inconvenient & dissenting lawes & vsages. /] The third question is, that w[hi]ch many will make a great question of, though perhaps Yo[u]r Ma[jes]tie no question of it;

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And that is, whether Yo[u]r ma[jes]tie should not make a stopp or stand here, and not to proceed to any further vnion, contenting Yo[u]r selfe with the two former articles or point[es]?

For it will be said, that wee are nowe, well (thank[es] be to God and yo[u]r ma[jes]tie) and the State of neither kingdome is to be reputed of, and that it is true, w[hi]ch Hippocrates saith, that sana corpora difficile medicationes ferunt. It is better to make alterations in sick bodies, then in sound. The considerac[i]on of w[hi]ch mayne point will rest vpon these .2. branches. /

What inconveniences will insue w[i]th tyme if the realmes stand as they are devided, w[hi]ch are not yet found nor sprung vpp? For it may be the sweetnes of yo[u]r ma[jes]t[ies] first entrance, and the great benefitt that both nations haue felt thereby, hath covered many inconveniences, w[hi]ch neuertheles (be yo[u]r ma[jes]t[ies] gou[er]nment neu[er] soe gracious and politique) Contynuance of tyme, and the Accident[es] of tyme may breed and discouer, if the kingdomes stand devided. /

The second branch is; Allowe no manifest or important perill or inconvenience should ensue of the contynuing of the

kingdoms

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kingdomes devided; Yet on the other side, whether that upon the further vniting of them, there be not like to followe that addic[i]on and increase of strength and reputac[i]on, as is worthy Yo[u]r ma[jes]t[ies] vertue and fortune to bothe author and founder of, for the advancem[en]t and exaltac[i]on of yo[u]r ma[jes]t[ies] royall posterity in tymes to come. /

But admitting that yo[u]r ma[jes]tie should proceed to this more perfect and intyre Vnion, wherein yo[u]r ma[jes]tie maye saie, maius opus mouro; To enter into the partes and degrees thereof, I thinke fitt first to sett downe as in a breefe table, in what point[es] the nations stand now at this present tyme already vnited, and in what point[es] yet still severed and devided, that yo[u]r ma[jes]tie maye the better see, what is done, and what is to be done, and howe that w[hi]ch is to be done, is to be inferred vpon that w[hi]ch is done; /

[*Right margin:*Points wherein [th]e nations stand already vnited.] The point[es] wherein the Nations stand already vnited, are; In soueraigntie. In the relative thereof w[hi]ch is subiection. In Religion. In Continent.

In

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In Language. And now lastly by the Peace by yo[u]r ma[jes]tie, concluded with Spaine; In Leagues and Confederacyes; For now both nationa haue the same freind[es], and the same Enemyes. /

Yet notwithstanding, there is none of the 6. point[es], wherein the Vnion is p[er]fitt and Consum[m]ate; but eu[er]y of them hath some scruple, or rather graine of separation, inwrapped and included in them. /

[*Right margin:*Soueraigntye] For the Soueraignty, the Vnion is absolute in yo[u]r ma[jes]tie and yo[u]r generation: But if it should soe be (w[hi]ch God of his infinite mercy defend) that

yo[u]r issue should fayle, then the discent of both [*Left margin*:Lyne Royall] realmes, doth resort to the severall lynes of the seu[er]aall Blouds royall. /

[*Right margin*:Subiection.] For Subiection, I take the Lawe of England to be cleare (what the Lawe of Scotland is I knowe not) that all Scottishmen from the very instant of Yo[u]r ma[jes]t[ies] raigne begunne, are become Denizons, and the Postnati are naturalized [*Right margin*:Obedience] Subiect[es] of England for the tyme forward[es]; For by o[u]r Lawes none can be an Alien, but he that is of another Alleageance then o[u]r soueraigne Lord the

Kinges;

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King[es]; For there be but two sortes of Aliens, whereof wee find menc[i]on in [*Right margin*:Alien.] o[u]r lawe; An Alien Amy, and an Alien Enemy, whereof the former is a Subiect of a State in Amity with the King, and the latter a Subiect of a State in [*Right margin*:Naturalization] Hostility: But whether he be one or other, it is an essentiall difference vnto the definition of an Alien that he be not of the King[es] alleageance, as wee see it evidently in the President of Ireland, who, since they were Sub[iection]t[es] to the Crowne of England, haue euer byne inheritable and Capable as naturall Subiect[es], and yet not by any Statute, or Act of Parliament, but only by the Comon lawe, and the reason thereof; Soe as there is no doubt, [tha]t eu[er]y Subiect was, and is in like plight and degree, since yo[u]r ma[jes]t[ies] comyng in, as if yo[u]r ma[jes]tie had graunted p[ar]ticularly Yo[u]r L[ett]res of Denization or naturalization to eu[er]y of them, and the Postnati wholly naturall. But then on thother side for the tyme backward[es], and for those that were Ante nati, the Bloud is not by Lawe naturalized soe, as they can take by discent from their Auncestors w[i]thout Act of Parliament: Soe as in

this point

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this point there is a defect in the Vnion of Subiection. /

[*Right margin*:Religion.] For matter of Religion, the vnion is [*Right margin*:church] gouernm[en]t p[er]fect in point[es] of doctrine: but in matter of discipline and Government it is imp[er]fect. /

[*Right margin*:Continent Borders] For the Continent, It is true, there are no naturall Boundaries of mountaynes or Seas, or navigable Rivers. But yet there are badges and memorialls of Borders; of w[hi]ch point I haue spoken before. /

[*Right margin*:Language] For the Language, It is true, the nations are vnus labij, and haue not the first curse of Disvnion, w[hi]ch was confusion of tongues, whereby one understood not another; But [*Right margin*:Dialect] Yet the Dialect is differing, and it remayneth a kind of a marke of distinction. But for that, Tempori permittendum, it is to be left to tyme; For considering that both languages doe concurre in the principall office and duty of a language, w[hi]ch is to make a mans selfe vnderstood; for the rest it is rather to be accompted (as was said) a diversity of Dialect then of Language; and (as I said my first wryting) it is like to bring forth the enriching of one Language by Compounding and taking in the proper and

significant

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significant wordes of either tongue, rather then a contynuance of Twoe Languages. /

[*Right margin:* Leagues Confederacies, Treaties.] For Leagues & Confederacies, It is true, that neither nation is in Hostility with any State, wherewith the other nation is in Amity: But yet soe as the Leagues and Treaties haue byne concluded with either nation, respective, and not with both ioyntly, and may contayne some diversity of Articles of straightnes of Amity, with one more then with the other. /

But many of these matters maye p[er]haps be of that kinde, as maye fall within that rule, In veste varietas sit, scissura non sit.

[*Right margin:* Pointes wherein the nations stand seperated.] Nowe to discend to the p[ar]ticulars-point[es], wherein the Realmes stand severed and devided, ouer and besides the former sixe point[es] of separation, w[hi]ch I haue noted and placed as defect[es] or abatement[es] of the sixe point[es] of the Vnion, and therefore shall not need to be repeated; The point[es] I saye, yet remayning I will deuide into Externall, and into Internall. /

[*Right margin:* Externall points of the seperation and vnion] The externall point[es] of the seperation are fower.

1. The

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- 1 The seu[er]all crownes; I meane the ceremoniall and materiall crownes. /
- 2 The second is the seu[er]all names, stiles, or Appellations. /
- 3 The third is the seuerall printes of the Seales. /
- 4 The fourth is the seuerall stampes or markes of the Coynes or moneyes. /

It is true, that the Externall, are in some respect[es] and partes much mingled and interlaced with considerac[i]ons internall, and that they may be as effectuall to the true vnion, w[hi]ch must be the worke of tyme, as the Internall, because they are operative vpon the Concept[es] and opinyons of the people; the vniting of whose heart[es] and affecc[i]ons is the life and true end of this wis worke. /

[*Right margin:* The ceremoniall or materiall crownes] For the ceremoniall crownes; The question will be, whether there shall be framed one newe, Imperiall crowne of Brittain to be vsed for the tymes to come?

Also admitting that to be thought convenient, whether in the frame thereof, there shall not be some reference to the Crownes of Ireland and Fraunce? /

Alsoe, whether yo[u]r ma[jes]tie should repeate

or

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or iterate yo[u]r owne Coronation, and the Queenes, or only ordeyne that such newe Crowne be vsed by yo[u]r Posterity hereafter? . /

The difficulties will be in the Concept of some Inequality, whereby the Realme of Scotland may be thought to be made an accession vnto the realme of England, But that rest[es] in some circumstances: For the Compounding of the Two Crownes is equall, the calling of the newe Crowne the Crowne of Brittain is equall, only the place of Coronation, if it shalbe at

westm[inster], w[hi]ch is the auncient august, and sacred place for the King[es] of England, may seeme to make an inequality, and againe, if the Crowne of Scotland be discontinued, then that Ceremonie, w[hi]ch I heare is vsed in Parliament[es] of Scotland; in the absence of the King[es] to haue the Crowne carried in solempnitye must likewise cease. /

[*Right margin:*The stiles and names.] For the Name, the mayne Question is, Whether the contracted name of Britaine shall be by yo[u]r ma[jes]tie vsed, or the devided names of England and Scotland?. /

Admitting there shalbe an alterac[i]on, then the Case will receaue these inferior Questions? . /

First whether

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First whether the name of Brittain shall not only be vsed in yo[u]r ma[jes]t[ies] Stile, where the intyre stile is recited, and in all other formes the devided names to remayne both of the Realmes, and of the people, or otherwise, that the very devided names of Realmes and people shall likewise be charged and turned into speciall or subdevided names of the generall name, that is to saie for example, whether yo[u]r ma[jes]tie in yo[u]r Stile shall denominate Yo[u]r selfe King of Br: Fraunce & Ireland &c. And yet neuertheles in any Comission, writt or otherwise, where yo[u]r ma[jes]tie menc[i]oneth England and Scotland, you shall retayne the ancient names as s[e]c[un]d[u]m consuetudinem Regni n[ost]ri Angliæ, or whether these devided names shall be foreu[er] lost and taken awaye, and turned into the subdivision of South Britaine, and north britaine, and the people to be South Britons and north Britons, and soe in the example aforesaid the tenor of the like clause to runne, secundum consuetudinem Britanniae Australis. /

Alsoe if the former of these shall be thought convenient; Whether it were not better for yo[u]r ma[jes]tie to take that Alteration of Stile vpon you by

p[ro]clamac[i]on

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proclamac[i]on, as E. 3. did the Stile of Fraunce, then to haue it enacted by Parliament. /

Alsoe in the alterac[i]on of the Stile, whether it were not better to transpose the kingdome of Ireland, and putt it ymediatly after Britaine, and soe place the Ilands together, and the kingdome of France being vpon the Continent last, in regard that these Iland[es] of the west ocean seeme by nature aand providence to be an entire Empire in themselues, and alsoe that there was neuer Kinge of England soe intirely possest of Ireland, as yo[u]r ma[jes]tie is; Soe as yo[u]r Stile to runne King of Britaine Ireland, and the Iland[es] adiacent, and of Fraunce &c.

The difficulties in this point haue byne already throughly beaten over; But they gather but to two head[es]. The one, Point of Honor, and love to the former names. The other, doubt least the alterac[i]on of the former name maye induce and involte an alterac[i]on of the lawes and Policyes of the kingdomes; Both w[hi]ch, if yo[u]r ma[jes]tie shall assume the Stile by proclamac[i]on, and not by Parliament, are in themselues satisfied.

For then

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For then the vsuall names must needes remayne in writt[es], and recordes, the formes whereof cannott be altered but by Acte of Parliament, and soe the point of Honor satisfied; And againe yo[u]r proclamac[i]on altereth no Lawe, and soe the scruple of a tacite or implied alterac[i]on of Lawes likewise satisfied: But then it may be considered, whether it were not a forme of the greatest Honour, if the Parliament, though they did not enact it, Yet should become suitors and Peticon[er]s to yo[u]r ma[jes]tie to assume it. /

[*Right margin:*The Seales] For the Seales. That there should be but one great Seale of Britaine and one Chancellor, and that there should only be a Seale in Scotland for Processes and ordinary Iustice, and that all Pattentes of graunt[es] of land[es], or otherwise aswell in Scotland as in England should passe vnder the great seale here kept about yo[u]r p[er]son. It is an alterac[i]on internall, whereof I doe ~~not~~ not now speake. /

But the question in this place is, whether great seales of Eng[land] and Scotl[and] should not be changed into one and the same forme of Image and sup[er]scription of Britaine w[hi]ch neu[er]theles is requisite should be with some one plaine or manifest

alterac[i]on,

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alterac[i]on, least there be a buz and suspect, that Graunt of all thing[es] in England maye be passed by the seale of Scotland, or é conuerso. /

Alsoe whether this alterac[i]on of forme maye not be done without Act of Parliament, as the great seales haue vsed to be heretofore changed, as to their impressions. /

[*Right margin:*The standards and stamperes of moneyes. /] For the moneyes, as to the reall and internall considerac[i]on thereof, the question will be, whether yo[u]r ma[jes]ty should not contynue two Mynt[es]? w[hi]ch the distance of Territory considered) I suppose will be of necessitye. /

Secondly how the standerds (if it be not already done, as I heare some doubt made of it in popular rumor) may be reduced into an exact proportion fe for the tyme to come, and likewise the Computac[i]on, tale or valuac[i]on to be made exact for the moneyes already beaten?

That done, the last questionis, w[hi]ch is only proper to this place, whether the stampe or the Image and sup[er]scription of Britaine, for the tyme forward[es] should not be made the selfe same in both places without any difference at all, a matter

also w[hi]ch

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also w[hi]ch may be done, as o[u]r Lawe is, by Yo[u]r ma[jes]t[ies] prerogative without Acte of Parliament. /

These point[es], are point[es] of demonstrtion ad faciendum populum. But soe much the more they goe to the roote of yo[u]r ma[jes]t[ies] intention, w[hi]ch is to imprinte and inculcate into the hart[es] and head[es] of the people that they are one people and one nation. /

In this kind alsoe, I haue heard it passe abroad in speach of the erecc[i]on of some newe order of knighthood, with a Reference to the vnion, and an oath appropriate therevnto; w[hi]ch is a point likewises deserves a consideracc[i]on /

[*Right margin:* Internall pointes.] The internall point[es] of separation are as followe. /

- 1 Seuerall Parliaments.
- 2 Seuerall Councells of State.
- 3 Seu[er]all officers of the Crowne.
- 4 Seuerall Nobilities
- 5 Seuerall Lawes.
- 6 Seuerall Courtes of iustice, trialls, & processes.
- 7 Seuerall Receipts and fynances.
- 8 Seu[er]all Admiralties & marchandizing.
- 9 Seuerall freedoms and Liberties.
- 10 Seuerall Taxes & Imposts. /

As touching the seuerall States Eccl[esiastic]all, and the seuerall Myntes and Standerds, and the seuerall Articles and Treaties of Intercourse with forrayne Nations; I touched them before. /

In these point[es] of the straight and more inward vnion, there will interuene one principall difficulty and ympediment growing from that roote w[hi]ch Aristotle in his Politiques, makes to be the roote of all division and dissension in Com[m]on wealthes, and that is Equalitie and Inequalitie. For the Realme of Scotland is now an ancient and noble Realme Substantiue of it selfe. But when this Iland shall be made Britaine, then Scotland is no more to be considered as Scotland, but as a p[ar]t of Britaine, no more then England is to be considered as England, but as a p[ar]t likewise of Britaine, and consequently neither of these are to be considered as thing[es] intire of themselues, but in the proportion that they beare to the whole. And therefore lett vs imagyne (nam id mente

possumus,

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possumus, quod actu non possumus) that Britaine had never byne devided, but had eu[er] byne one kingdome, then that p[ar]t of soyle or Territory, w[hi]ch is comprehended vnder the name of Scotland, is in quantity (as I haue heard it esteemed, how truly I knowe not) not past a third p[ar]t of Brittain, and that part of soyle, or Territory, w[hi]ch is comprehended vnder the name of England, is two part[es] of Britaine; leaving to speake of any difference of wealth or population, and speaking only of quantity. Soe then if for example, Scotland, should bring to Parliament as much nobility as England, then a third p[ar]t should countervayle two part[es], Nam si inæqualibus æqualia addas, omnia erunt inæqualia. And this (I protest before God, and Yo[u]r ma[jes]tie I doe not speake as a man borne in England, but as a man borne in Britaine. And therefore to descend to the particulars. /

[*Right margin:* Parliaments.] For the Parliaments. The considerac[i]on of that point, will fall into fower questions. /

The first

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The first what proportion shall be kept betweene the votes of England and the votes of Scotland. /

The second touching the manner of proposition, or possessing the Parliament of causes there to be handeled, w[hi]ch in England is vsed to be done ymediatly by any member of the Parliament, or by the proloquutors, and in Scotland is vsed to be done ymediatly by the Lord[es] of the Articles, whereof the one forme seemeth to haue more libertie, and the other more gravity and maturity; And the question will be, whether of these shall Yeald to other, or whether sh there should not be a mixture of both by some Comissioners precedent to eu[er]y Parliament in the nature of Lord[es] of the Articles, and yet not excluding the liberty of propounding in full Parliament after ward[es]. /

The third touching the orders of Par=liament, how they may be compounded, and the best of either taken?

The fourth, how those w[hi]ch by inheritance or otherwise, haue offices of Honor and Ceremony in both the Parliam[en]t[es],

as the

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as the Lo[rd] steward w[i]th vs &c. maye be satisfied, and duplicity accom[m]odated. /

[*Right margin:*Councells of Estate.] For the Councells of Estate; While the Kingdomes stand devided, it shall seeme necessary to contynue seuerall Councells, But if yo[u]r ma[jes]tie should proceed to a strict vnion, then howsoeu[er] yo[u]r ma[jes]tie may establishe some Provinciaall Counsell in Scotland, as there he is here at Yorke, and in the marches of Wales; Yet the Question will be, whether it will not be more convenient for yo[u]r ma[jes]tie to haue but one privy Councell about Yo[u]r person, whereof the principall officers of the Crowne of Scotland to be for dignity sake, howsoeuer their abiding and remaying may be, as yo[u]r Ma[jes]ty, shall employ their service; But this point belongeth meerey and wholly to Yo[u]r ma[jes]t[ies] royall will and pleasure. /

[*Right margin:*Officers of the Crowne. /] For the offieesofficers of the Crowne, The considerac[i]on thereof will fall into the Questions. /

First in regard of the latitude of Yo[u]r kingdome, and the distance of

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place, whether it will not be matter of necessity to contynue the seu[er]all officers, because of the impossibility for the service to be p[er]formed by one. /

The second admitting the duplicitye of officers, should be contynued, yet whether there should not be a difference, that one should be a principall officer, and the other to be but speciall and subalterne, as for example, one to be Chancellor of Britaine, and the other to be Chancellor with some speciall addition, as here of the Duchie &^ace.

The third, if no such specialty or inferiority be thought fitt, then whether both officers should not haue the title and the name of the whole Iland, and precinct[es], as the Lord Chancellor of England, to be Lord Chancellor of Britaine, and the Lord Chancellor of Scotland, to be Lo[rd] Chancellor of Britaine, but with seuerall Provisoos, that they shall not intromitt themselues, but within their seu[er]all precinct[es]. /

[*Right margin:*Nobilities.] For the nobilities; The considerac[i]on thereof will fall into these questions. /

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The first of their votes in parliam[en]t w[hi]ch was touched before, what proportion they of Scotland shall beare to the nobility of England; Wherein if the proportion, w[hi]ch shall be thought fitt, be not full, Yet yo[u]r ma[jes]tie maye out of yo[u]r prerogative supply it; For although you cannott make fewer of Scotland, yet you may make more of England. /

The second is, touching their place and precedence, wherein to marshall them according to the precedence of England in yo[u]r ma[jes]t[ies] stile, and according to the nobility of Ireland, that is all English Earles first, and then the Scottish will be thought vnequall for Scotland: to marshall them according to Antiquity, will be thought vnequall for England, because I heare their nobility is generally more ancient. And therefore the question will be whether the indifferentest waie were not to take them interchangeably as for example, first the ancient Earle of England, and then the ancient Earle of Scotland, and soe alterius

vicibus. /

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vicibus. /

[*Right margin:*Lawes.] For the Lawes, make an entire and p[er]fect vnion; It is a matter of great difficulty and length, both in the collecting of them, and in the passing of them. There must be made by the Lawyers of either nation a Digest vnder titles, of their seuerall Lawes and Customes, aswell Com[m]on Lawes as Statutes, that they may be collected and compared, and that the diversities may appeare and be discerned of. And for the passing of them, wee see by experience, that Patrius Mas is deare vnto all men, and that men are bred and nourished vp in the love of it; and therefore howe harshe, Changes and Invocations are, and wee see likewise what disputac[i]on and argument the alterac[i]on of some one Lawe doth cause and bring forth: Howe much more the alterac[i]on of the whole Corpes of the Lawe. /

Therefore the first question will be, whether it be not good to proceed by partes, and to take that is most necessary, and leaue the rest to Tyme? The partes therefore or subiect of the Lawes, are for this

purpose

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purpose fitliest distributed, according to that ordinary deuision of Criminall and Ciuill, and those of Criminall causes into Capitall & Penall. /

The second question therefore is, Allowing the generall vnion of Lawes too greate a worke to embrace, whether it were not convenient, that Cases Capitall were the same in both nations? I saye the Cases, I doe not speake of the proceeding[es], or Trialls, that is to saye, whether the same offences were not fitt to be made Treason or Felony in both places? ./

The third question is, whether the Cases Penall, though not Capitall, Yet if they concerne the publike state, or otherwise the discipline of manners, were not fitt likewise to be brought into

one degree; As the case of misprision of Treason, the Case of Premunire, the case of fugitives, the case of Incest, the case of Simony &c. /

But the question, that is more vrgent, then any of these is, whither these cases at the least, be they of an higher

or an

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or an inferior degree, wherein the fact Comitted, or Act done in Scotland may preiudice the State and Subiect[es] of England, or é conuerso, are not to be reduced to one Vniformity of Lawe and punishment, as for example, A periury comitted in a Cort of iustice in Scotland, cannott be preiudiciall in England, because deposic[i]ons taken in Scotland, cannot be produced and vsed here in England, but a forgery of a deed in Scotland, I meane with a false date of England, maye be vsed and given in evidence in England. Soe likewise the depopulating of a Towne in Scotland, doth not directly preiudice the State of England, but if aan English marchant shall carry silver and gold into Scotland, as he maye, and there transport it into forrayne p[ar]t[es], this preiudiceth the state of England, and maye be an evasion to all the Lawes of England, ordayned in that case, and therefore had neede to be brideled with as severe a Lawe in Scotland, as it is here in England. Of this kinde there are

many

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many Lawes. /

The Lawe of 5. of R. 2. of going over without Licence, if there be not the like Lawe in Scotland will be frustrated and euaded. For any Subiect of England, maye goe first into Scotland, and thence into forrayne p[ar]t[es].

Soe the Lawes prohibiting transportac[i]on of sondry Comodities, as gold and silver, artillery, Corne &^ace. if there be not a Correspondence of Lawes in Scotland, will in like manner be deluded and frustrate. For any English marchant or subiect may carry such Comodities first into Scotland aswell as he maye carry them from port to port in England, and out of Scotland into forreyn part[es] without any p[er]jill of Lawe. /

Soe Libells maye be devised and written in Scotland, and published and scattered in England. /

Treasons may be plotted in Scotland, and executed in England.

And soe in many other Cases, if

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there be not the like severity of Lawe in Scotland to restrayne offenc[es] that there is in England (whereof wee here are ignorant, whether there be or noe) it will be a gap or stoppe even for English subiect[es] to escape and avoyd the Lawes of England; But for Treasons, the best is, that by the statute of K. H. the 8. ca: [Blank]. that any Treason comitted in Scotland, maye be proceeded w[i]thin England, aswell as Treasons comitted in Fraunce, Rome, or elsewhere. /

[Right margin: Courtes of iustice and administrac[i]on of Lawes. /] For Courtes of iustice, Trialls, Processe, and other administrac[i]on of Lawes, to make any alteration in either nation, it will be a thing soe newe and vnwonted to either people, as it maye be doubted, it will make the admi[ni]strac[i]on of Iustice, w[hi]ch of all other thing[es] ought to be knowen and certen as a beaten waye to become intricate and vncerten.

And besides I doe not see that the seueralty of admi[ni]strac[i]on of Iustice, though it be by Cort[es] soueraigne of last resorte, I meane without Appeale or Error, is any ynpediment at all to

the Vnion

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the vnion of a kingdome, as wee see by experience in the seu[er]all Cort[es] of p[ar]liament in the kingdome of Fraunce. And I have byne alwayes of opinion, that the Subiect[es] of England, doe already fetch Iustice somewhat farre of more then any nation that I knowe, the largenes of the Kingdome considered, though it be holpen in some p[ar]t by the Circuit[es] of the Iudges, and the two Counsell[s] at Yorke, and in the marches of wales established. /

But it maye be a good question, whether as Com[m]une {vinculum} of the Iustice of both nations, yo[u]r ma[jes]tie should not erect some Cort about yo[u]r person, in the nature of the Grand Counsell of France, to w[hi]ch Cort you might by waie of evocation drawe causes from the ordinary Iudges of both nations; For, so doth the French king. from all the Cort[es] of p[ar]liament in France, many of w[hi]ch are more remote from Fraunce, then any part of Scotland, is from London. /

[Right margin: Receipts, fynances, & Patrimonies of the Crowne. /] For Receipts and Fynances, I see noe question will arise, Considering it will be matter of necessity to contynue in Scotland, a Receipt of Treasure for payment[es] and erogac[i]ons to be made in those partes.

And for

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And for the treasure of spare, in either Receipts, the Custody thereof may well be seuerall, Considering by yo[u]r ma[jes]t[ies] Comaundment they may be at all tymes removed or disposed, according to yo[u]r ma[jes]t[ies] occasions. /

For the Patrimonies of both Crownes, I see noe question will arise, except yo[u]r ma[jes]tie would be pleased to make one compounded annexation, for an inseperable Patrimony to the Crowne, out of the land[es] of both nations, and soe the like for the Principality of Britaine, and for other appennages of the rest of yo[u]r children, erecting likewise such Duchies and Honors, compounded of the possessions of both nations, as shall be thought fitt. /

[Left margin: Admiraltie, nauie and marchandizing.] For the Admiralty or Navy, I see no great question will arise; For I see no inconvenience for yo[u]r ma[jes]tie to contynue shipping in Scotland. And for the Iurisdicc[i]ons of the Admiralties, and profitt[es] and Casualties of them, they will be respective vnto the Coast[es], ouer against w[hi]ch the Seas lye, and are situated as it is here, with the due Admiraltie of England. /

And for marchandizing it may be a question, whether that the Companyes of the marchant adventurers of the Turkey

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Marchant[es], and the muscovy m[er]chant[es] (if they shall be contynued) should not be compounded of m[er]chant[es] of both nations; English and Scottish. For to leave trade Scot[tish] in the one nation, and { } to haue it restrayned in the other, may p[er]case breed some inconvenience. /

[*Right margin:*Freedomes & Liberties.] For freedomes & liberties, the Charters of both nations may be renewed, and of such Liberties as are agreeable and convenient for the Subiect[es] and people of both nations, one great Charter may be made & confirmed to the Subiect[es] of Britaine, & those Liberties w[hi]ch are peculiar or prop[er] to either nation, to stand in state as theye doe. /

[*Left margin:*Taxes Imposts, & Customes. /] But for Imposts & Customes, It will be a great question howe to accomodate them, and reconcile them. For if they be much easier in Scotland, then they be here in England (w[hi]ch is a thing I know not) then this Inconvenience will followe, That the marchant[es] of England, may vnlade in the portes of Scotland, and this kingdome to be served from thence, and soe yo[u]r ma[jes]t[ies] customes abated. /

And for the question, whether the Scottish Marchant[es] should paie strangers customes in England, that rest[es] vpon the point of Naturalization, w[hi]ch I touched before. /

Thus I

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Thus haue I made yo[u]r m a[jes]tie, a breefe and naked memoriall of the articles and point[es] of this great cause, w[hi]ch may serve only to excite, and stirre up yo[u]r ma[jes]t[ies] royall Iudgment, and the Iudgment of wiser men, whom you will be pleased to call to it, Wherein I would not presume to p[er]swade or disswade any thing, nor to interpose myne owne opinion, but doe expect light from yo[u]r ma[jes]t[ies] royall dirrecc[i]ons; vnto the w[hi]ch I shall euer submitt my Iudgment and apply my travells; And I most humbly pray yo[u]r ma[jes]tie in this w[hi]ch is done to p[ar]don my errors, and to cover them in my good intentions, and meaning & desire, I haue to doe Yo[u]r ma[jes]tie service, and to acquite the trust that was reposed in mee, and cheefly in yo[u]r ma[jes]t[ies] benigne and gracious acceptac[i]on. /

Finis.